Annex 13 – Question and Answer form

**About you**

**a) What is your name?**

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**b) What is your email address?**

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**c) What is your organisation?**

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**d) Would you like your response to be confidential?**

a) No 🞏

b) Yes 🞏

If you answered Yes to this question please give your reason:

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**e) Are you responding as or on behalf of:**

a) an individual

b) a local authority

c) a business

d) another type of organisation

If you answered d) please specify

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**f) If you are replying as an individual, do you:**

a) run your own waste business

b) work for a business or organisation in the waste sector

c) have an interest in this consultation for other reasons

If you answered c) please specify

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**g) If you are replying on behalf of an organisation or business, please specify whether your organisation or business:**

a) manages waste as their main activity

b) manages waste as a secondary activity – please specify what the main activity is

c) supports the waste industry (e.g. trade body, consultancy) – please specify

d) has an interest in the waste sector for other reasons – please specify

If you answered b) c) or d) please specify

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**h) Do you, or does the business or organisation you represent carry out waste operations under an environmental permit?**

a) No 🞏

b) Yes 🞏

If you answered yes, please specify

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**i) Do you, or does the business or organisation you represent carry out waste operations under a registered waste exemption?**

a) No 🞏

b) Yes 🞏

If you answered yes, please specify which exemptions:

🞏 U1 🞏 U16 🞏 T4 🞏 T6 🞏 T8 🞏 T9 🞏 T12 🞏 D7 🞏 S1 🞏 S2 🞏 other

**j) Are you, or is the business or organisation you represent registered as a waste carrier, broker or dealer?**

a) No 🞏

b) Yes 🞏

If you answered yes, please specify

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**k) If you are in business or part of an organisation, where is it established?**

a) England 🞏

b) Wales 🞏

c) Located elsewhere 🞏

**l) How many staff are employed in your business or organisation?**

a) Fewer than 10 🞏

b) 10 – 49 🞏

c) 50 – 249 🞏

d) 250 or more 🞏

e) I am replying as an individual 🞏

**Part A**

**Q1. Do you think widening the definition of relevant offences will enable the regulators to make a more informed decision about operator past performance?**

A. 🞏 Yes 🞏 No

Do you have any comments?

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**Q2. Do you think the Serious Crime Act 2015 and the Public Order Act 1986 should be added to table 1?**

A. 🞏 Yes 🞏 No.

Should offences in other Acts of Parliament be added to table 1? Do you have any other comments?

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**Q3. Do you think it should be made clearer that regulators can take spent offences into account in exceptional circumstances?**

A. 🞏 Yes 🞏 No

Do you have any comments?

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**Q4. Do you think that corporate bodies should be treated differently from individuals and the regulators should be able to consider the convictions of corporate bodies?**

A. 🞏 Yes 🞏 No

Do you have any comments?

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**Q5. Do you think that ensuring the regulators can take account of poor behaviour will enable the regulators to make a more informed decision about operator past performance?**

A. 🞏 Yes 🞏 No

Do you have any comments?

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**Q6. Do you think that widening the definition of relevant person will enable the regulators to make a more informed decision about operator past performance?**

A. 🞏 Yes 🞏 No

Do you have any comments?

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**Q7. Do you think that it would be beneficial for all waste permit holders to operate in accordance with a written management system?**

A. 🞏 Yes 🞏 No

Do you have any comments?

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**Q8. Do you think that including an explicit requirement in the EPRs for permitted waste sites to demonstrate technical competence through a scheme approved by government will address the current gap in technical competence?**

A. 🞏 Yes 🞏 No

Do you have any comments?

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**Q9. Do you think that inserting a requirement into the EPRs for operators to inform the regulators of the TCM at their waste site will address the current gap in technical competence?**

A. 🞏 Yes 🞏 No

Do you have any comments?

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**Q10. Do you think the current competence schemes should be amended to include a TCM registration process to address the current gap in technical competence?**

A. 🞏 Yes 🞏 No

Do you have any comments?

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**Q11. Do you have any information about the proportion of waste sites that would employ a TCM, rather than training a current employee?**

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**Do you have any information about the proportion of sites not currently adequately covered by a TCM?**

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**Q12. Do you think that an independent report that rates business solvency and risks will enable the regulators to confirm that operators are financially able to meet their permit obligations?**

A. 🞏 Yes 🞏 No

Do you have any comments?

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**Q13. Do you think that all waste site operators or only higher risk operators should be required to make financial provision?**

A. 🞏 All waste site operators 🞏 Only higher risk operators

**Q14. What risk criteria do you consider should be taken into account when determining which waste operations should be required to make financial provision?**

Do you have any comments?

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**Q15. Do you think the proposed basis for calculating the amount of financial provision would be sufficient?**

A. 🞏 Yes 🞏 No

Do you have any comments?

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**Q16. Do you think that regulators should be able to extend financial provision in exceptional circumstances?**

A. 🞏 Yes 🞏 No

Do you have any comments?

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**Q17. Do you think the level of required financial provision should be reduced for wastes with significant and demonstrable recovery values?**

A. 🞏 Yes 🞏 No

Do you have any comments?

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**Q18. Do you think that it is appropriate for operators to agree the mechanism for making financial provision with the regulator?**

A. 🞏 Yes 🞏 No

Do you have any comments?

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**Q19. Do you think it is beneficial for financial institutions to be involved in the holding and management of financial provision funds?**

A. 🞏 Yes 🞏 No

What are the opportunities and risks? Do you have any comments?

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**Q20. Do you think that alternative funding should be found to cover the costs of managing sites in the absence of the operator?**

A. 🞏 Yes 🞏 No

How is this best achieved? Do you have any comments?

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**Q21. Do you think that operators of landfill sites should report more frequently on current and projected works at their site and the state of their financial provision fund?**

A. 🞏 Yes 🞏 No

Are there more effective ways of preventing shortfalls in funds for maintenance and aftercare?Do you have any comments?

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**Q22: Have you experienced an increase or a decrease in criminality and poor performance in the waste sector over the last few years?**

A. 🞏 Increase 🞏 Decrease

What are your expectations for the future if nothing is done to tackle the issue?

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**Q23: Overall, how effective do you think Options 2 and 3, as described in the impact assessment, would be to tackle criminality and poor performance in the waste sector?**

A. 🞏 Effective 🞏 Ineffective

What is your preferred option?

🞏 Option 1 🞏 Option 2

**Q24: Do you think that any of the proposals will impose additional costs on yourself or your organisation?**

A. 🞏 Yes 🞏 No

Do you have any comments?

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**Q25: Do you think that the proposed analytical approach appropriately covers all potential costs and benefits that would arise from implementing the proposals?**

A. 🞏 Yes 🞏 No

Do you have any comments?

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**Q26: Do you think that any of the costs and benefit covered in the impact assessment should not be accounted for in the costings?**

A. 🞏 Yes 🞏 No

Do you have any comments?

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**Q27: Do you have any evidence that would support the calculation of benefits or costs of the operator competence proposals to business?**

Do you have any comments?

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**Are you aware of any other sources of evidence that would improve the costings?**

Do you have any comments?

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**Part B**

**Q28. Do you think the proposal to restrict registration of exemptions at permitted waste operations would help tackle illegal activity and stop waste operators expanding their activity without appropriate controls?**

A. 🞏 Yes 🞏 No

Do you have any comments?

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**Q29.** **Do you think that exempt waste operations that have direct technical links with other activities carried out at an adjacent permitted waste site should be included in the adjacent operator’s permit?**

A. 🞏 Yes 🞏 No

Do you have any comments?

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**Q30. Do you have further evidence on the current unlawful use of exemptions at permitted sites?**

1. Do you have any comments?

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**Q31. Do you think that the proposals will impose specific costs or bring benefits on yourself or your organisation?**

1. Do you have any comments?

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**Q32. Overall which of the proposed options do you support and which do you prefer?**

Support 1🞏 2🞏 3🞏 4🞏 (tick as many as apply)

Prefer 1🞏 2🞏 3🞏 4🞏 (Select one preference)

**Q33. Are there any particular exemptions that you think should not be registered at the same site under option 3?**

1. Do you have any comments?

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**Q34. Do you have further evidence on the registration of multiple exemptions at single sites to hide unlawful activities?**

1. Do you have any comments?

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**Q35. Do you think that any of the options will impose specific costs or bring benefits on yourself or your organisation?**

1. Do you have any comments?

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**Q36. Do you have further evidence on the current unlawful use of this exemption?**

A. Do you have any comments?

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**Q37. Do you think that any of the options will impose specific costs or bring benefits on yourself or your organisation?**

A. Do you have any comments?

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**Q38. Which of the proposed options for exemption U1 do you support and which do you prefer?**

Support 1🞏 2🞏 3🞏 (tick as many as apply)

Prefer 1🞏 2🞏 3🞏 (Select one preference)

**Q39. Under Option 2 do you think the U1 exemption should allow any additional types of construction activities beyond those listed in Annex 2?**

A. 🞏 Yes 🞏 No

If so please describe the activities together with the waste types and quantities needed:

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**Q40. Under Option 2 do you think the quantities of waste allowed for each specified construction activity are appropriate?**

A. 🞏 Yes 🞏 No

Do you have any comments?

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**Q41. Under Option 2 are the waste types listed sufficient to carry out each specified waste activity?**

A. 🞏 Yes 🞏 No

Do you have any comments?

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**Q42. Do you have further evidence on the current unlawful use of this exemption?**

A. Do you have any comments?

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**Q43. Do you think that any of the options will impose specific costs or bring benefits on yourself or your organisation?**

A. Do you have any comments?

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**Q44. Which of the proposed options for exemption U16 do you support?**

A. 1🞏 2🞏

**Q45. Do you have further evidence on the current unlawful use of this exemption?**

A. Do you have any comments?

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**Q46. Do you think that any of the options will impose specific costs or bring benefits on yourself or your organisation?**

A. Do you have any comments?

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**Q47. Which of the proposed options for exemption T4 do you support and which do you prefer?**

Support 1🞏 2🞏 3🞏 (tick as many as apply)

Prefer 1🞏 2🞏 3🞏 (Select one preference)

**Q48. Do you have further evidence on the current unlawful use of this exemption?**

A. Do you have any comments?

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**Q49. Do you think that any of the options will impose specific costs or bring benefits on yourself or your organisation?**

A. Do you have any comments?

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**Q50. Which of the proposed options for exemption T6 do you support and which do you prefer?**

Support 1🞏 2🞏 3🞏 (tick as many as apply)

Prefer 1🞏 2🞏 3🞏 (Select one preference)

**Q51. Do you have further evidence on the current unlawful use of this exemption?**

A. Do you have any comments?

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**Q52. Do you think that any of the options will impose specific costs or bring benefits on yourself or your organisation?**

A. Do you have any comments?

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**Q53. Which of the proposed options for exemption T8 do you support and which do you prefer?**

Support 1🞏 2🞏 3🞏 (tick as many as apply)

Prefer 1🞏 2🞏 3🞏 (Select one preference)

**Q54. Do you have further evidence on the current unlawful use of this exemption?**

A. Do you have any comments?

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**Q55. Do you think that any of the options will impose specific costs or bring benefits on yourself or your organisation?**

A. Do you have any comments?

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**Q56. Which of the proposed options for exemption T9 do you support and which do you prefer?**

Support 1🞏 2🞏 3🞏 (tick as many as apply)

Prefer 1🞏 2🞏 3🞏 (Select one preference)

**Q57. Do you have further evidence on the current unlawful use of this exemption?**

A. Do you have any comments?

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**Q58. Do you think that any of the options will impose specific costs or bring benefits on yourself or your organisation?**

A. Do you have any comments?

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**Q59: Which of the proposed options for exemption T12 do you support and which do you prefer?**

Support 1🞏 2🞏 3🞏 (tick as many as apply)

Prefer 1🞏 2🞏 3🞏 (Select one preference)

**Q60. Do you have further evidence on the current unlawful use of this exemption?**

A. Do you have any comments?

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**Q61. Do you think that any of the options will impose specific costs or bring benefits on yourself or your organisation?**

A. Do you have any comments?

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**Q62: Which of the proposed options for exemption D7 do you support and which do you prefer?**

Support 1🞏 2🞏 (tick as many as apply)

Prefer 1🞏 2🞏 (Select one preference)

**Q63. Do you have further evidence on the current unlawful use of this exemption?**

A. Do you have any comments?

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**Q64. Do you think that any of the options will impose specific costs or bring benefits on yourself or your organisation?**

A. Do you have any comments?

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**Q65. Which of the proposed options for exemptions S1 and S2 do you support and which do you prefer?**

Support 1🞏 2🞏 (tick as many as apply)

Prefer 1🞏 2🞏 (Select one preference)

**Q66: Do think that the proposal to split the existing S1 and S2 exemptions into six new exemptions as set out under Annex 9 would help clarify what the exemptions are for and make the conditions clearer?**

A. 🞏 Yes 🞏 No

Do you have any comments?

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**Q67. Do you think that operators should be required to keep and make available to the regulator records of the activities carried under any exemption?**

A. 🞏 Yes 🞏 No

Do you have any comments?

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**Q68. Should operators be required to keep the records required in an electronic format and/or in a system identified by the regulator?**

A. 🞏 Yes 🞏 No

Do you have any comments?

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**Q69. Do you think that the regulator should be able to impose additional information requirements for individual exemptions on a case by case basis at registration, on an ongoing basis or at end of operation to address issues of poor compliance?**

A. 🞏 Yes 🞏 No

Do you have any comments?

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**Q70. Do you think any additional information requirements should be implemented immediately, notably in relation to the 10 exemptions of concern described in section 4.2?**

A. 🞏 Yes 🞏 No

Do you have any comments?

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**Q71. Do you have any suggestions on how you think the exemptions registration service can be improved further?**

Do you have any comments?

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**Q72. Do you support the changes to the waste codes set out in Annex 10?**

A. 🞏 Yes 🞏 No

Do you have any comments?

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**Q73. If we change the conditions for the exemptions of concern would you support the alignment of conditions across exemptions listed in Annex 11?**

A. 🞏 Yes 🞏 No

Do you have any comments?

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**For the exemptions U8 and U9 listed in Annex 11 (Table 1), what do you think the new aligned conditions should be?**

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**For the exemptions U8, U9, T1 and T2 listed in Annex 11 (Table 2), what do you think the new aligned conditions should be?**

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**For the exemptions U8 and U9 listed in Annex 11 (Table 3), what do you think the new aligned conditions should be?**

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**Q74. Do you think that the standard rules for the ten exemptions set out in Annex 12 are sufficient? Are new standard rules also needed?**

A. 🞏 Sufficient 🞏 New standard rules needed

Do you have any comments?

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**Q75. Do you think that the proposed timescales to implement the changes to the exemptions regime are adequate?**

A. 🞏 Yes 🞏 No

Do you have any comments?

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**Q76. Have you experienced an increase or a decrease in criminality and poor performance in the waste sector over the last few years?**

A. 🞏 Increase 🞏 Decrease

What are your expectations for the future if nothing is done to tackle the issue?

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**Q77. Overall, how effective do you think Options 2 and 3, as described in the impact assessment, would be to tackle criminality and poor performance in the waste sector?**

A. 🞏 Effective 🞏 Ineffective

What is your preferred option?

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**Q78. Do you think that any of the proposals will impose additional costs on yourself or your organisation?**

A.  Yes  No

Do you have any comments?

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**Q79. Do you think that the proposed analytical approach appropriately covers all potential costs and benefits that would arise from implementing the proposals?**

A.  Yes  No

Do you have any comments?

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**Q80. Do you think that any of the costs and benefit covered in the impact assessment should not be accounted for in the costings?**

A.  Yes  No

Do you have any comments?

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**Q81. Do you have any evidence that would support the calculation of benefits or costs of the exemptions proposals to business?**

Do you have any comments?

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**Are you aware of any other sources of evidence that would improve the costings, including for the proposals not covered in the current impact assessment?**

Do you have any comments?

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**Part C**

**Q82. Do you believe that householders are currently sufficiently aware of their duties and the risk of prosecution when passing their waste to an unauthorised person?**

A. 🞏 Yes 🞏 No

Do you have any comments?

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**Q83. What more could be done to improve householder awareness of their duty of care and prevent fly-tipping of household waste?**

Do you have any comments?

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**Q84. Do you think that the Waste Duty of Care Code of Practice provides enough guidance on reasonable measures that can be taken to meet the household duty of care?**

A. 🞏 Yes 🞏 No

Do you have any comments?

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**Q85. Do you think there are any other reasonable measures to meet the household duty of care that should be set out in guidance to households?**

A. 🞏 Yes 🞏 No

Do you have any comments?

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**Q86. Do you think that the introduction of a FPN for the offence of a householder passing their waste to an unauthorised person would help tackle fly-tipping?**

A. 🞏 Yes 🞏 No

Do you have any comments?

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**Q87. Do you think that government should provide further guidance to regulators on the use of the proposed FPN?**

A. 🞏 Yes 🞏 No

Do you have any comments?

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**Q88. Do you think that the proposed levels of penalty for this FPN are correct?**

A. 🞏 Yes 🞏 No

Do you have any comments?

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**Q89. Following implementation of the FPN, do you think that local authorities should communicate how frequently they use these penalties, and the impact on fly-tipping?**

A. 🞏 Yes 🞏 No

Do you have any comments?

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**Q90. Do you think the introduction of this FPN will impose any additional costs on local authorities or other issuing authorities?**

A. 🞏 Yes 🞏 No

Do you have any comments?

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**Q91. Do you think the introduction of this FPN will make savings for local authorities or other issuing authorities?**

A. 🞏 Yes 🞏 No

Do you have any comments?

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**Q92.** **Do you think that other parties than local authorities and other issuing authorities could incur costs of benefit from the introduction of this FPN?**

A. 🞏 Yes 🞏 No

Do you have any comments?

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**Q93. Do you think that the proposal will impose additional costs on yourself or your organisation?**

A. 🞏 Yes 🞏 No

Do you have any comments?

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**Q94. Do you have any other information on the possible cost or benefits of issuing fixed penalty notices)?**

Do you have any comments?

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**Q95. Do you think that issuing authorities should be able to offer an appeals process for people to dispute a householder duty of care FPN?**

A. 🞏 Yes 🞏 No

Do you have any comments?

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**Q96. Do you think that issuing authorities would incur any additional costs by providing an appeals process for people to dispute the issuing of a householder duty of care FPN?**

A. 🞏 Yes 🞏 No

Do you have any comments?

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**Q97. Do you think there are any other steps the appeal process should cover?**

A. 🞏 Yes 🞏 No

Do you have any comments?

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**Q98. What are the best ways to ensure that the recipients of a FPN are made aware of the appeal process if one is available?**

Do you have any comments?

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**Q99. Where an issuing authority chooses not to offer an appeals process do you think the right of appeal is adequately provided for through the courts?**

A. 🞏 Yes 🞏 No

Do you have any comments?

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