

## Annex 13 – Question and Answer form

### **About you**

**a) What is your name?**

India Redrup

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

[India.redrup@energy-uk.org.uk](mailto:India.redrup@energy-uk.org.uk)

**c) What is your organisation?**

Energy UK.

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

a) No

b) Yes

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

**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

Trade Association.
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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

Waste policy associated with electricity generation.

**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

Excess ash which is produced as a combustion by-product from the generation of electricity is recycled and disposed of (often with subsequent recovery) in waste operations under an environmental permit.

**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  Scotland

**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?

The consultation's primary focus is on issues associated with the waste sector. However, this proposal makes specific reference to amending the EPR Core Guidance which is applicable to all EPR installations. Accordingly, our understanding is that this proposal would apply across all sectors and not just the waste sector which is not the stated policy intent. Clarity on this would be welcome.

In our view, it would seem unlikely that widening the definition of relevant offences will allow for a more informed decision on past performance (not least because this is inextricably linked to environmental performance). However, it should assist in

identifying those persons who may be said to have a propensity towards breaking the law, which is likely to be relevant to the issue of performance.

**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?

As highlighted in our response to Question 1 above, although the consultation's primary focus is on issues associated with the waste sector, our understanding is that this proposal would apply across all sectors and not just the waste sector, which is not the stated policy intent. Certainly, we can find no reference to Table 1 that has been reproduced in the Core Guidance; and when the link provided in the consultation is used, it would appear that the table is contained within a standalone Environment Agency (EA) document "**Permit applications and relevant convictions**" which applies to all permit applications. Clarity on the scope of this proposal is therefore required.

Notwithstanding the above, the addition of offences under the Serious Crime Act 2015 and the Public Order Act 1986 would appear to be relevant and should assist in reducing/detering the criminal elements of the waste trade.

**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?

To the extent that there is any ambiguity or uncertainty in respect of what the regulators can/cannot take into account when considering a permit application, transfer or variation, clarity should be provided. In addition, we consider that clarity/guidance should be provided on what is meant by "exceptional circumstances".

**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?

Although the consultation's primary focus is on issues associated with the waste sector, our understanding is that this proposal would apply across all sectors and not just the waste sector which is not the stated policy intent. Clarity on this would be welcome.

While the question is asking for views on whether corporate bodies should be treated differently from individuals where regulators are considering previous convictions, it is not clear exactly how differently they should be treated. We assume that the proposals are to allow regulators to routinely take account of corporate bodies' convictions for up to 5 years (currently we understand this could only be possible in exceptional circumstance), however, this has not been made clear in the proposal. Further clarity is therefore requested on this point.

**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?

Although the consultation's primary focus is on issues associated with the waste sector, our understanding is that this proposal would apply across all sectors and not just the waste sector. Clarity on this would be welcome.

Our member companies always treat the EA and any other Regulator with respect and we understand the sentiment behind the proposals that, if implemented, would clarify that the EPRs enable the regulators to take account of behaviour when deciding whether to issue, transfer, vary or continue a permit across all sectors and not just the waste sector. We would certainly not condone offensive or disrespectful behaviour or language when engaging with relevant regulators. However, as Defra has recognised, there is potential scope for subjectivity in this area of assessment. For example, an operator's legitimate challenge could be construed by some as not being co-operative or potentially threatening. Furthermore, in certain sectors there may well be legitimate reasons for an operator to prevent access to a site e.g. on grounds of safety. Poor behaviour needs to be measured objectively and should be considered against the legal

requirements of the Permitting Regulations rather than the subjective views of an officer. Accordingly, further consideration needs to be given to this point in order to overcome the potential for subjectivity for example, the requirement for regulators to be bound by appropriate checks and balances such as documented evidence of such behaviour and reasoning.

**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?

Although the consultation's primary focus is on issues associated with the waste sector, our understanding is that this proposal would apply across all sectors and not just the waste sector. Clarity on this would be welcome.

We understand Defra's sentiment behind the proposal that would allow regulators to take into consideration circumstances where the "controlling mind" behind an operation is not the person applying for a permit; and Defra's desire to prevent a non-compliant/offending operator from transferring a permit to another individual simply as a "paper exercise" while still, to all intents and purposes, continuing to control/influence the operation of the site themselves. However, we are unsure of how this would apply in practice and what evidence the regulator would be required to have in order to substantiate such an assertion or belief. Presumably, the regulator would have to have, and document, "reasonable" grounds to suspect such arrangements were in place prior to refusing a permit application, variation, transfer, etc. We agree that it would not be proportionate to propose a relevant person is any person connected with a known operator, for example a family member or partner.

**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?



**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?

While we support the high-level principle of the proposal, it is important to ensure that the requirements of any such schemes are proportionate and reflect the risk of the permitted facility. For example, in the case of low risk, mono-fill landfill sites associated with the power sector, the requirements of the full WAMITAB certification is very onerous. This has been raised with the Environment Agency and WAMITAB and it is hoped that amendments can be made to address this concern.

**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?

**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.      No

Do you have any comments?

We can see the advantage in this proposal, however, it will be important to ensure that the details of the registration scheme are practical and not unreasonably onerous or costly to either set up or comply with. It will also be necessary to clarify how such registration processes and the information required for registration would differ between individual WAMITAB/CIWM scheme and ESA/EU skills schemes.

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

No.

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

No.

**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?

As we have indicated in response to other questions, we are concerned that although this consultation is focused on waste operations, we understand that this proposal for financial solvency and risk reports would apply to all regulated facilities – not just waste operations. This is not the stated policy intent. The proposal refers to amending the Core Guidance which, as we have set out in response to earlier questions, apply to all EPR installations and not just waste facilities. The Core Guidance already allows for the consideration of financial solvency where there is cause for concern and therefore, for the extra requirements associated with this proposal to be acceptable it must be absolutely clear that it only relates to waste operators. If indeed it is intended to make them apply to all installations, we also are concerned that regulated facilities that do not

have specific interests in waste may not be aware that the proposals could/would impact upon their operations; and we question the transparency and effectiveness of this consultation process. We need absolute clarity to be provided on the scope of this proposal.

Notwithstanding the above, at face value, it would appear that an independent report from a recognised financial organisation that rates business solvency and risks would enable the regulators to confirm that waste operators are financially able to meet their permit obligations at the time of permit application etc. However, the cost of providing such a report would effectively increase the cost of permit applications and transfers and it would be a concern if this inadvertently increased the operation of illegal sites. We therefore consider that there should be a threshold above which such provisions would be required.

We note that the proposal would also allow regulators to require such a report to be submitted at any time during the life of the permit. Presumably, this is to address the issue that the proposed health check would only be relevant at the point of application. However, as we have highlighted above, we are concerned that as proposed, a regulator could unilaterally decide that an annual financial fitness check is required from **all** regulated facilities which would be very onerous and costly for many reputable and responsible operators. We therefore consider that if Defra is to pursue its proposals in this respect, the requirement for any post application report should only be triggered where the regulator has reasonable grounds to do so; the request for information must also be relevant and proportionate to the site and operator in question and should only relate to waste operators.

**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?

In addition to the majority of factors listed in the consultation (that is, waste type, pollution potential, risk to local amenity, proximity to transport infrastructure, financial competence) we consider that the scale of an operation would be relevant. We do not consider that market conditions should be included as this would in our view make the application of the proposal complex and impractical and would make the need for such provisions unpredictable for operators. As

indicated in response to Question 13 above, to the extent that this proposal is progressed (we note the associated cost/benefit analysis is unable to justify it) only high risk sites should be required to make financial provision. There are many legitimate and low risk waste operators whose primary activity is something other than waste. Therefore, it is important to ensure that these “de minimis” waste operations are not unduly impacted by disproportionate and costly regulatory requirements.

**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?

No comment.

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

A.  Yes  No

Do you have any comments?

In order to ensure transparency, predictability and proportionate regulations, it will be important that guidelines are developed to set out what is meant by “exceptional circumstances”

**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?

No comment.

**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?

We consider that in common with the landfill sector, waste operators should be able to agree with the regulator the most appropriate financial provision.

**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?

We are unsure what is meant by this question. Our understanding is that a financial institution would always be involved in the holding and management of financial provisions in order to ensure funds are sufficiently ring-fenced. That said, we see no reason to prescribe that one such organisation be singled out to manage such affairs for the sector.

**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?

It is important to ensure that the charges operators pay for environmental regulation are associated with compliance, are cost reflective and consistent with the polluter pays principle. We would not support contributing to the creation of a "slush fund", the size of which we would have no control over and which would represent a cross subsidy whereby compliant operators are forced to cross subsidise bad performers or criminal activities.

**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?

Any proposals in this respect should be risk based and proportionate. Accordingly, when considering such proposals it is important to differentiate between low risk landfill sites such as mono-fill sites associated with generation activities; and multipurpose, municipal landfill sites which are inherently more risky. Certainly, as operators of permitted mono-fill landfill sites our members already have to notify the EA of changes to current and projected work at their sites and therefore we do not consider that this aspect of the proposal is necessary.

Likewise, we do not consider that there is evidence to suggest that there is a need for these low risk sites to report more frequently on their financial provision fund.

**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?

No comments.

**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?

As we have already highlighted in response to earlier questions in this Part A, the scope of many of the proposals is not clear. In particular, it is not at all clear that proposals that would require an independent report that rates business solvency and risks, and the power for regulators to require such reports to be submitted at any time during the life of the permit, are limited to waste operators. As written, it would appear that they apply to all permit holders. Accordingly, we consider that there could be considerable extra costs to our members' permitted non-waste related activities.

Even if clarity is provided that the proposals would only apply to waste operators, in the absence of a threshold above which these provisions would apply, it is likely that our members would incur additional costs, particularly in relation to the financial proposals. Increased costs would also be incurred for our members' landfill sites should they have to report more frequently on current and projected works at their site and the state of its financial provision fund.

**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?

As indicated above, the scope of some of the proposals is unclear and we are therefore not able to comment on the proposed analytical approach. In particular, we are concerned that as written, some of the financial proposals would apply to all regulated facilities and not just waste facilities. As far as we can see, the costs for such a broad application have not been identified. Therefore, until such clarity is provided, we conclude that the analysis does not appropriately cover all potential costs and benefits that would arise from implementation.

**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?

No comment.

**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?

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

Do you have any comments?

Absolute clarity is required as to the scope of the proposals. As we have indicated in our response to a number of questions above, we consider the consultation is aimed at waste operators. However we are concerned that the language used within the consultation would mean that some proposals would, it appears, apply to all operators and not just waste operators. Absolute clarity on these points is required before accurate assessment of costs and benefits can be made.



**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?

**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?

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

A. Do you have any comments?

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

A. Do you have any comments?

**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?**

A. Do you have any comments?

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

A. Do you have any comments?

**Q35. 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?

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

A. Do you have any comments?

**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?

**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:

**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?

**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?

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

A. Do you have any comments?

**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?

**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?

**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?

**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?

**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?

**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?

**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?

**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?

**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?

**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?

**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?

**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?



**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?

**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?

**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?

**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?

**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?

**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?

**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?

**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?

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

Do you have any comments?

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

A.  Yes  No

Do you have any comments?

**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?

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

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

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

**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?

**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?

**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?

**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?

**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?

**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?

**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?

**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?

**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?

**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?

**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?

**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?

**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?

**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?

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

A.  Yes  No

Do you have any comments?

**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?

**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?

**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?

**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?

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

A.  Yes  No

Do you have any comments?

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

Do you have any comments?

**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?

**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?

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

A.  Yes  No

Do you have any comments?

**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?

**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?

