

Response ID ANON-B928-EP6D-M

Submitted to Consultation on the household waste duty of care
Submitted on 2018-07-10 16:06:42

Introduction

1 What is your name?

Name:
Laura Gale

2 What is your email address?

Email:
laura.gale@e-lindsey.gov.uk

3 Would you like anything in your response to be confidential?

No

If you answered Yes to this question please give the reason why you are requesting anything within your response to be confidential.:

4 Are you responding as or on behalf of:

a local authority

If you answered 'another type of organisation' please specify:

5 If you are replying as an individual, do you:

Not Answered

6 If you are not replying as an individual, what is your business or organisation?

Name of business or organisation:
East Lindsey District Council

7 If you are responding as a business or part of an organisation, where is it established, or if you are responding as a householder, where do you live?

England

Part A: Guidance for householders

8 Does the guidance clearly set out the duty of care requirements for householders?

Yes

Here you can provide further comments on the clarity of the guidance.:

9 Does the guidance provide sufficient detail on the reasonable steps householders should be expected to take to ensure that waste is transferred appropriately?

Yes

What other reasonable steps, if any, should be included?:

No additional steps

10 Does the guidance provide sufficient detail on how a householder can demonstrate they have met their duty of care?

Yes

What other reasonable means of demonstrating this should be included, if any?:

None

11 Is the guidance clear enough on a householder's right to reject a fixed penalty notice, and to provide evidence to the local authority to deter prosecution?

Yes with conditions (please specify)

Do you have any further comments on the presentation of a householder's means of challenging a fixed penalty notice?:

More clarification required in relation to whether an appeals process will be offered before a case proceeds to court if a person fails to pay an FPN for duty of care.

Part B: Guidance for local authorities in England

12 Does the guidance provide sufficient detail for local authorities to use the fixed penalty notices effectively?

Yes

What other guidance, if any, should be included to ensure effective use of fixed penalty notices?:

N/A

13 Does the guidance provide sufficient detail on how the new fixed penalty notices should be used proportionately?

Yes

What other guidance, if any, should be included on proportionate use of fixed penalty notices?:

N/A

14 Is the guidance clear on how duty of care offences happening across local authority borders or the England and Wales border should be handled?

Yes

Hear you can provide further comments on cross border offences.:

15 Is the right for a householder not to pay an FPN, and to provide evidence to justify a case not being taken to prosecution, clear in the guidance?

Yes

Further comments:

16 If you are a local authority that would make use of the FPN, would you carry out awareness raising activity alongside it as recommended in the guidance?

Yes

Further comments:

17 What resource requirement would you expect the good practice reporting guidance to place on local authorities? Here you can enter the resource requirement you would expect the good practice reporting guidance to place on local authorities.:

Would need to set up new report & push to existing council website

18 What, if anything, should be added to or removed from the list of recommended reporting requirements?

Here you can suggest points to add or remove from the recommended reporting requirements.:

Provide more information for Section i in relation to the definition of "enforcement activity" ie does this include council clear up costs?

Consultee Feedback on the Online Survey

19 Overall, how satisfied are you with our online consultation tool?

Very satisfied

Please give us any comments you have on the tool, including suggestions on how we could improve it. :

Easy to use