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**To: Communities and Housing Policy Board**

**On: 25 October 2022**

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**Report by: Director of Communities and Housing Services**

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**Heading: The Introduction of the Environmental Protection (Single-use Plastic Products) (Scotland) Regulations 2021**

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## **1. Summary**

- 1.1 Single-use plastics are a major contributing factor to littering and the “throw away” culture in the UK. There is an identified need to tackle this issue and create a shift towards a circular economy in Scotland.
- 1.2 To address this, in June 2022, the Scottish Government brought into force the Environmental Protection (Single-use Plastic Products) (Scotland) Regulations 2021.
- 1.3 As a result, from 12 August 2022 the single-use plastic items listed below have been fully banned in Scotland unless an exemption applies (e.g. single-use plastic straws for certain purposes). It is now unlawful to make and supply commercially the items below. This is regardless of whether they are produced or first imported into another part of the UK. (Due to conflicts with the United Kingdom Internal Market Act 2020 which would have allowed single use plastics if imported or produced in another part of the UK the Scottish Government sought permission and were granted an exemption from the UK Internal Market Act.) Supply also includes businesses making donations or gifts of items.
- 1.4 The ban means it is unlawful to make and supply commercially any of the following single-use plastic items:
- single use expanded polystyrene beverage cups including their covers and lids
  - single use expanded polystyrene beverage containers including their caps and lids
  - single use expanded polystyrene food containers

- single-use plastic cutlery including forks, knives, spoons and chopsticks
- single-use plastic plates and
- single-use plastic beverage stirrers.

1.5 There are 2 exemptions to the single-use plastic regulations:

- Plastic straws - A critical exemption is applied to single-use plastic straws, to ensure those who need them to eat or drink independently or for medical purposes can still get access to them. This means that single-use plastic straws are to be available to purchase at in-store or online pharmacies and given on request in hospitality venues or for those who need them in a small number of other places such as hospitals, care homes, schools, early learning/childcare premises and prisons.
- Balloon Sticks - for industrial or professional uses where they are not handed out to consumers, for example by an events company to decorate an event provided the balloon sticks are not distributed to the attendees at the event.

1.6 The ban on single-use plastics is to be welcomed, however, the introduction of the legislation is not as a statutory function and will lead to increased demand on resources which will not be funded by Government at a time when demand on business regulation services is exceedingly high due to the recovery from Covid-19 and pressures related to other post Brexit regulatory changes.

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## 2. Recommendations

2.1 It is recommended that the Communities and Housing Policy Board:

- (i) Notes and welcomes the introduction of the Environmental Protection (Single-use Plastic Products) (Scotland) Regulations 2021
  - (ii) Agrees to support businesses and implement an enforcement approach as set out in Section 3 of this report
  - (iii) Agrees to align the inspection of premises to other planned interventions to minimise additional resource demands e.g. Food Law inspections to interact with businesses
  - (iv) Delegates authority to the Director of Communities and Housing Services to Authorise Officers under the Environmental Protection (Single-use Plastic Products) (Scotland) Regulations 2021
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### **3. Background**

- 3.1 The Scottish Government and Zero Waste Scotland are driving and promoting the new legislation including a communications campaign to make businesses aware of the change in legislation.
- 3.2 By targeting manufacturing and import businesses, end user businesses e.g. take-aways will not be allowed to legally obtain single use plastics.
- 3.3 Businesses can obtain information on how to comply directly from the Zero Waste Scotland website - <https://www.zerowastescotland.org.uk/single-use-plastics/regulations>
- 3.4 Whilst this is being driven by the Scottish Government, Regulation 14 of the legislation states that a local authority may authorise Officers to enforce the regulations but there is no duty to do so.
- 3.5 Within the Renfrewshire Council boundary, it is recommended under Section 2.1 (iii) above that Officers are authorised to enforce this legislation. The Officers that will be authorised will be Environmental Health Officers and Trading Standards Officers.
- 3.6 Within Communities and Public Protection, each team will focus on different strands of the supply chain as per their normal interactions with businesses:

#### **Environmental Health**

- Food Businesses i.e., hot food takeaways, cafes, licensed premises, etc
- Food Manufacturers/Packers
- Manufacturers of Materials in Contact with Food

#### **Trading Standards**

- Distributors and retailers of single-use plastic items
- 3.7 These requirements have been implemented without any additional funding being provided for Regulatory Services. CoSLA have adopted their “No New Burdens” principle which is vital in considering the resource deficit that Local Authority Regulatory Services are having to endure. It also comes at a time when Environmental Health Officers in the Business Regulation Services are realigning their Food Law inspections to allow a catch-up following the Covid-19 pandemic in line with the Food Law Code of Practice (Scotland) and as a number of other regulatory pressures are being experienced by EHO’s and TSO’s related to regulatory changes following Brexit.

- 3.8 In this context, the intention is that checks on single-use plastic will only be undertaken where Officers are already dealing with the premises for another reason e.g. routine food law inspection. Under Regulation 15(7), the powers available to Officers can only be exercised if an Officer has a reasonable cause to believe an offence has been committed.
- 3.9 As part of a previous budget motion, Officers were asked to:
- Introduce a Hot Food Retailer incentive scheme to transition away from single-use plastics to bio-degradable packaging.*
- 3.10 Knowing that this legislation was pending, Officers have been working on a scheme that would assess all hot food premises in Renfrewshire (approximately 300) as to their sustainability/environmental credentials. The use of single-use plastics would be one of these issues – therefore a consultant has been procured (to work alongside the University West of Scotland) to allow visits to all premises to undertake an assessment. These visits will be undertaken between October 2022 and January 2023 with a report on performance provided to Officers. This should provide an early baseline of understanding and compliance with the new legislation across Renfrewshire businesses.
- 3.11 In line with the recent work it is intended to use the “4 E’s approach” to visits - Officers will visit and Engage, Educate, Encourage and ultimately Enforce if the other avenues have been used and an offence is still being committed.
- 3.12 There is no dispensation in the regulations to allow a business to use up existing stock. However, it would seem incongruous to require a business to dispose of non-compliant packaging to comply therefore Renfrewshire Council will allow businesses to use old stock, purchased before the legislation was enacted assuming assurances have been obtained that new stock will fully comply with the regulations.

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## Implications of the Report

1. **Financial** – As detailed in the report, Officers will only undertake inspections as part of routine work – therefore the resource cost will be aligned to other statutory work.
2. **HR & Organisational Development - None**
3. **Community/Council Planning –**
  - Creating a sustainable environment for all to enjoy – by removing single-use plastics from the environment, it will improve the sustainable performance across Renfrewshire and hopefully leading to more recycling.

4. **Legal - None**
5. **Property/Assets - None**
6. **Information Technology - None**
7. **Equality & Human Rights**
  - (a) The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
8. **Health & Safety - None**
9. **Procurement - N/A**
10. **Risk - None**
11. **Privacy Impact - N/A**
12. **COSLA Policy Position** - These requirements have been implemented without any additional funding for Regulatory Services. CoSLA have adopted their "No New Burdens" principle which is vital considering the resource deficit that LA Regulatory services are having to endure.
13. **Climate Risk** – The removal of single-use plastics from circulation will assist in ensuring only recyclable or biodegradable containers are used leading to a wider reaching circular economy.

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## List of Background Papers

None

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