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**To:               Infrastructure, Land and Environment Policy Board**

**On:               18 March 2020**

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

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**Heading:       Excess packaging – legislative framework and internal monitoring**

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## **1.     Overview**

- 1.1.   On 5 December 2019, Council approved a Motion recognising the climate emergency and condemning the excessive use of packaging by supermarkets and online retailers. The Motion called on officers in Trading Standards to investigate the issue within Renfrewshire and take action against retailers that do not comply with current legislation. This report provides an update on the work carried out by Trading Standards officers in this regard.
- 1.2.   Legislation is currently being progressed by the UK Government with the support of devolved administrations in Scotland and Wales to create tighter regulations around packaging and in particular to ensure that producers pay the full cost of managing packaging waste for all of their products. HM Treasury is also consulting on the introduction of a new tax on the production and importation of plastic packaging from April 2022, and Scottish Government are introducing a deposit return scheme for single use drinks containers. Consultation on reforming the UK packaging producer responsibility scheme was the subject of a previous report to this Board by the Director of Environment and Infrastructure Services on 29 May 2019.
- 1.3.   Trading Standards officers are responsible for enforcing the current legislation in relation to the packaging of items for retail sale. The current legislation places the responsibility on the producer or packager first placing goods into the EU market. Retailers themselves are not responsible for ensuring compliance with this legislation, as the legislative responsibility falls on the producer / packager.

- 1.4. Officers in the Trading Standards & Licensing Team routinely check packaging alongside their other regulatory activities and checks. In particular, over the last two years, a focused programme of packaging checks has been carried out which has included all supermarkets being inspected twice, other local retail outlets being inspected and items packed by local packers being checked. As a result of these activities, two items have been referred to relevant authorities for advice and guidance in relation to packaging – specifically in cases where the packaging was misleading as to the quantity of product being delivered to the consumer. Consumer complaints are also considered if received by the service. The last consumer complaint to be received in relation to misleading packaging was in 2009.
- 1.5. In addition to these activities, all consignments at Glasgow Airport which are checked for consumer product safety are also checked for all other legislative compliance, including any excessive or misleading packaging. Within the Council officers are also aware of the impact of excess packaging and this is considered in relation to product procurement and service provision. Most recently changes have been made to the grab and go lunch provision within schools in order to minimise excess packaging.
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## **2. Recommendations**

- 2.1 It is recommended that the Infrastructure, Land and Environment Policy Board:
- (i) notes the ongoing activity undertaken to address and minimise excess packaging in Renfrewshire.
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## **3. Background**

- 3.1 In February 2019 the Department of Environment, Food & Rural Affairs (DEFRA), opened a consultation regarding possible reforms to the UK Packaging Producer Responsibility Scheme – with a number of objectives, including:
- Improved recyclability and recycling of packaging
  - Reduced use of virgin materials
  - Businesses to pay the full cost of managing packaging waste for their products
  - Increased compliance with regulation across the supply chain
  - Clearer, consistent labelling for consumers
  - Encouraging investment in UK reprocessing capacity

- 3.2 The consultation document sought views on measures that would be required to deliver the necessary regulatory framework to deliver change, in particular the definition of full net cost recovery and approaches to recover full net costs from producers. Renfrewshire Council fully supported the proposals and objectives in its response to the consultation (submitted to Infrastructure, Land and Environment Policy Board on 29 May 2019). The proposed date for commencement of the new measures is 2023.
- 3.3 Alongside this, the Scottish Government has announced its plans for the deposit return scheme (DRS) for single use drinks containers (plastic bottles, cans and glass) quoting 20p deposit on those items. Retailers selling single use drinks containers will be required to process and store returned containers, and the support and enforcement for this is proposed to be carried out by SEPA.
- 3.4 The current legislation enforced by Trading Standards in relation to items packaged for retail sale is the Packaging (Essential Requirements) Regulations 2015. The essential requirements for packaging in terms of this legislation are that:
- Packaging volume and weight must be the minimum amount to maintain the necessary levels of safety, hygiene and acceptance for the packed product and for the consumer,
  - Packaging must be manufactured to allow reuse or recovery, and
  - Noxious or hazardous substances in packaging must be minimised in emissions, ash or leachate from incineration or landfill.
- 3.5 This legislation is most often applied when packaging is considered to be misleading and presents the product in such a way as to mislead the consumer into believing they are purchasing a greater quantity than is in fact supplied.
- 3.6 All enforcement work carried out by the Trading Standards & Licensing Team is in line with the Renfrewshire Council Integrated Enforcement Policy, as approved by the Leadership Board on 14 September 2016. This advocates the use of an enabling approach; to support traders to compliance through advice and guidance, rather than enforcement. This allows intelligence to be hardened; assisting the Team in targeting their enforcement activities to deliberate offenders.

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## Implications of the Report

1. **Financial** – None
2. **HR & Organisational Development** – None
3. **Community/Council Planning** –
  - *Our Renfrewshire is fair* – Enforcement work products helps ensure a level-playing field for Renfrewshire traders. This work ensures Renfrewshire is seen as an attractive place to trade.

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** - None
  10. **Risk** – None
  11. **Privacy Impact** - None
  12. **COSLA Policy Position** – N/A
  13. **Climate Risk** – None
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### **List of Background Papers**

None

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**Author:** Oliver Reid, Head of Communities and Public Protection.

**Email:** [oliver.reid@renfrewshire.gov.uk](mailto:oliver.reid@renfrewshire.gov.uk)