

To: Infrastructure, Land and Environment Policy Board

On: 22 January 2020

Report by: Director of Environment & Infrastructure

**Heading: Developing Scotland's Circular Economy: Proposals for
Legislation Consultation Response**

1. Summary

- 1.1 The Scottish Government's consultation "Developing Scotland's circular economy: Proposals for Legislation" was publicised on 7 November 2019 and closed on 19 December 2019. The proposals form part of wider plans for a change in the approach to reducing, reusing and recycling materials to help drive Scotland's circular economy, as part of Scotland's transition to net zero emissions.
 - 1.2 The consultation includes proposals to tackle the disposable culture of society, encourage use and reuse of materials, improve the approach to household recycling and tackle waste crime and littering from vehicles.
 - 1.3 A circular economy is one where resources are kept in use for as long as possible. According to the Sustainable Scotland Network, a circular economy 'can benefit the environment, by cutting waste and carbon emissions; the economy, by improving productivity and opening up new markets; and communities, by providing local employment opportunities'
-

2. Recommendations

It is recommended that the Infrastructure, Land and Environment Policy Board:

- 2.1 Notes the consultation carried out by the Scottish Government on Developing Scotland's circular economy: Proposals for Legislation; and

- 2.2 Homologates the Council's submitted consultation response as detailed in Appendix 1 to this report.
-

3. Background

- 3.1 In 2016, the Scottish Government published 'Making things last', a circular economy strategy. This consultation focuses on proposals to build on that foundation and develop actions to take Scotland into the future, reflecting the renewed focus and targets on the climate emergency.
- 3.2 A circular economy is an alternative approach to this, in which resources are kept in use for as long as possible, the maximum value is extracted from them whilst in use and then products and materials are recovered and regenerated at the end of each product's viable life.
- 3.3 A more circular economy can benefit: the environment, by cutting waste and carbon emissions; the economy, by improving productivity and opening up new markets; and communities, by providing local employment opportunities and lower cost options to access the goods we need.
- 3.4 The consultation on Developing Scotland's circular economy contains proposals for a circular economy bill and sets a legislative framework for taking action in the future. The consultation was launched on 7 November 2019 and closed on 19 December 2019.
- 3.5 The consultation includes proposals to tackle the throwaway culture, encourage use and reuse of materials, improve the approach to household recycling and tackle waste crime and littering from vehicles. It is intended that the bill will help drive Scotland's circular economy as part of the transition towards net zero emissions.

4. Consultation Themes

- 4.1 The consultation contains 22 questions and seeks views on a range of themes within the circular economy:
- Reduce
 - Reuse
 - Recycle
 - Improving enforcement
 - Assessing impact of bill proposals
 - Proposals for secondary legislation

5. Reduce: Tackling the throwaway culture

- 5.1 Reducing (or prevention) is the starting point in a circular economy. It focuses on reducing waste and acknowledging that the biggest climate impact comes from the

production and consumption phase of a product's lifecycle. Reducing aims to move away from a disposable culture, through banning specific environmentally harmful items and also attaching a value to items (such as plastic bags) to help promote behaviour and culture change in society.

- 5.2 The proposals within this theme focus on charging for items such as single use disposable cups and seek the views of respondents on any other items that should be considered.

6. Reuse: encouraging use and reuse to prevent waste

- 6.1 Ministers are seeking to have the power to require mandatory public reporting of business waste and surplus which will strengthen monitoring and measurement of waste across all sectors. The initial focus will be on food waste and textiles. They are also seeking a view on the reporting of other materials/wastes and how surplus waste should be redistributed.
- 6.2 Reuse considers design innovation to make products that can have more than one purpose or life. This lessens the dependency of the manufacturing industry on raw materials.
- 6.3 An example in Renfrewshire is the ReMode shops (Lochwinnoch and Paisley) which remodel second hand clothes. The textile industry is one which in recent years has contributed to waste, due to decreasing prices and a demand for fashionable clothing.
- 6.4 Food waste is also a key area within this theme, firstly to reduce food waste, but also to access the potential value in some food was 'resources' such as egg shells, coffee grounds etc.

7 Recycle: maximising value for materials

- 7.1 The consultation asks if we agree with the principle of enabling Scottish Ministers to place additional requirements on local authorities in order to increase rates and quality of household recycling. The proposals within this theme seek to strengthen the approach to household recycling collection services, particularly a move away from a voluntary approach to a more mandated approach.
- 7.2 Recycling is a key part of the circular economy, ensuring recycling opportunities are maximised, recycling is encouraged and effective and waste going to landfill is minimised.
- 7.3 In partnership with COSLA, the Scottish Government created the Scottish Household Recycling Charter which is a voluntary scheme designed to achieve more consistent recycling collections across Scotland. Renfrewshire Council signed the Charter in June 2016. Almost all councils (30) have signed the charter.

- 7.4 Contamination rates remain a challenge across Scotland and variations in the acceptance of different materials for recycling schemes can add to householder confusion. In 2020 the Scottish Government plan to review the charter and the supporting code of practice.

8. Improving enforcement

- 8.1 This theme outlines some threats to the waste industry by serious and organised crime and potential measures to tackle this. Firstly, the consultation proposes enforcement authorities have enhanced powers to allow them to take direct action and seize vehicles linked to waste crime.
- 8.2 Secondly, the proposal is for a fixed penalty regime to be implemented to tackle littering from vehicles which means the notice can be issued to the registered keeper when litter has been dropped from that vehicle.
- 8.3 Both proposals would bring Scotland in line with the rest of the UK.

9. Assessing impact of bill proposals

- 9.1 A partial Equality Impact Assessment (EQIA) and a partial Business and Regulatory Impact Assessment (BRIA) have been completed on the proposals and there are two questions specifically relating to these impacts and also on the impact on the environment.

10. Proposals for secondary legislation

- 10.1 The consultation proposal seeks views on including circular economy and climate change obligations in the procurement strategies of public bodies, a proposal outlined in this year's Programme for Government. This will involve public bodies (including local authorities) describing their activities relating to climate change within their annual procurement reports, ensuring this remains an area of focus and open to public scrutiny.
- 10.2 This section of the consultation also seeks views on increasing the (minimum) charge for single use plastic bags from 5p to 10p which would bring Scotland in line with the rest of the UK. The scheme to charge 5p has been shown to be very successful to date, with Zero Waste Scotland reporting 650 million fewer bags given to customers annually since its introduction.
-

Implications of the Report

1. **Financial** – None
2. **HR & Organisational Development** – None
3. **Community & Council Planning** –

Creating a sustainable Renfrewshire for all to enjoy - Promoting and encouraging waste minimisation through reducing, reusing and recycling.
4. **Legal** – None.
5. **Property/Assets** – None
6. **Information Technology** – None.
7. **Equality & Human Rights** - 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** –

13. **Climate Risk** – The performance outlined within the report will continue to contribute to positive climate change.

List of Background Papers: None

Author: Gordon McNeil, Director of Environment & Infrastructure

e-mail: Gordon.mcneil@renfrewshire.gov.uk

1. Reduce: tackling our throwaway culture

1 Do you agree in principle that Scottish Ministers should have the power to set charges for environmentally harmful items, for example single-use disposable beverage cups?

Yes

2 Do you agree with the proposal to prioritise introduction of charges for single-use disposable beverage cups?

Yes

3 Are there any others items that these new powers for environmental charging should be applied to in the future?

Yes

1.1.1 If yes, please specify. :

Items that are advertised as reducing plastics in terms of weight but are less recyclable to the original packaging such as cleaning fluid bottles (PET) being replaced by pouches. Glass jars for coffee being replaced by refillable pouches.

Also items advising that they are compostable as the processors have no means of testing this out whilst sorting and processing adding to confusion for processors and the public who are thinking that they are doing the right thing.

2. Reuse: encouraging use and reuse to prevent waste

4 To strengthen monitoring, measurement and reporting of waste across all sectors, do you agree with the principle that Scottish Ministers should have the power to require mandatory public reporting of:

Yes

5 Do you agree with the proposal to prioritise introduction of mandatory public reporting for businesses of:

Yes

6 Are there any other items, such as textiles and clothing, that mandatory reporting requirements on waste and surplus should be expanded to in the future?

Yes

1.1.2 If yes, please specify.:

Other items that have a high carbon input to manufacture and a negative environmental impact in production. This should include clothes and textiles.

7 Do you have any suggestions on how to encourage the reuse and redistribution of

unwanted surplus stock, such as clothing and textiles?

Yes

1.1.3 If yes, please specify.:

Networks should be organised through the third sector.

3. Recycle: maximising value of materials

8 Do you agree with the principle of enabling Scottish Ministers to place additional requirements on local authorities in order to increase rates and quality of household recycling?

No

1.1.4 If yes, what should these 'additional requirements' be?:

Councils have engaged in the Household Waste Charter and are keen to progress this working with the Scottish Government and Zero Waste Scotland. Councils will be involved in reviewing the current charter in line with measuring the impact other measures put in place to capture and improve recycling such as DRS and EPR. There is not a requirement to have this mandated.

Any mandated approach could increase financial burdens on local authorities and would also have to take into account the impact of the above legislative changes where the value may be taken from existing contracts as more valuable materials are removed from recycle.

In relation to a consistent approach to the types of materials collected for recycling. This would be welcomed but would be required to be phased in according to existing Council contract end dates. This would also need significant communications to the public as they tend to carry on doing what they have done previously. This should also be tied in with standardised packaging labelling for recyclables and non-recyclables.

The Scottish Government should also allow Councils to collect according to their demographics and therefore this should not be mandated.

Implementation on mandatory recycling of textiles would be welcomed as this service is provided by the Council at present in both clothing banks and on demand services.

The consultation does not cover mandatory garden waste collections by 2023 to align with EU legislation. Many Councils charge for this service and it would be wise to ensure that Councils would continue to have this option in the future. Another point to make here is that the council increased its combined food and garden waste tonnage by 48% after introducing 3 weekly collections of residual waste. This was due to the public being concerned about food waste in their bins for 3 weeks.

In relation to the introduction of further recycling containers public's tolerance of having an additional container was made clear during the roll out of three weekly collections and introduction of a further bin to split recycling. They

9 Do you agree with the principle of greater consistency in household recycling collections in different local authority areas?

Yes

10 Do you consider that we should move away from the current voluntary approach to Scotland's Household Recycling Charter towards a more mandated approach, whereby implementation of the Charter and its supporting Code of Practice becomes a statutory obligation?

No

11 Do you consider that householders' existing obligations are sufficient?

No

12 Are there any other measures that you consider Scottish Government should take to help accelerate the rate and quality of household recycling in Scotland, taking account of experience and approaches elsewhere and existing householder behaviours?

Yes

1.1.5 If yes, please specify.:

Mandated labelling on all packaging products to ensure that the public put the correct material in the right bin.

National campaigns on recycling targeted at varying age groups and using appropriate media a messaging to connect with various groups. Also targeting the majority of householders who sometimes recycling but are not consistent in their approach.

Making recycling mandatory for householders with exemptions where necessary.

Giving Councils greater enforcement powers to reduce contamination of both residual and recycling bins. Providing funding for campaigns and waste advisors.

4. Improving enforcement

13 Do you agree that Scotland should have the power to seize vehicles suspected of waste crime, similar to the rest of the UK?

Yes

14 Do you agree Scottish Ministers should have powers to introduce a new fixed penalty regime for littering from vehicles?

Yes

15 Do you agree with the introduction of a new system that stipulates that the registered keeper of a vehicle is ultimately responsible for criminal offences such as littering from or in relation to their vehicle (for example by passengers or people using that vehicle at that time)?

Yes

5. Assessing impact of bill proposals

16 Taking into account the accompanying Equality Impact Assessment (EQIA), are there any additional likely impacts the proposals contained in this consultation may have on particular groups of people, with reference to the 'protected characteristics' listed above?

1.1.6 Please specify.:

Cognisance should be taken of disabled people and their ability to recycle such as in circumstances where they have dementia or learning difficulties.
Arrangements should be made to support people living at home who have care needs and excessive quantities of waste due to their condition/care package.

17 Taking into account the accompanying Business and Regulatory Impact Assessment (BRIA), do you think that the proposals contained in this consultation are likely to increase or reduce the costs and burdens placed on any business or sector?

1.1.7 Please specify.:

No comment

18 Do you think that the proposals contained in this consultation are likely to have an impact on the environment? If so, which ones and how?

1.1.8 Please specify.:

They should have a positive impact on the environment with public being more aware of the consequences of purchase choices and costs associated with those choices in terms of finance and the environmental impact.

6. Proposals for secondary legislation

19 Do you agree with the proposal that procurement strategies published by relevant public bodies should include consideration of activity which supports the circular economy and action on climate change?

Yes

20 Do you agree with the proposal to increase the minimum charge on single-use carrier bags from 5p to 10p?

Yes

21 Do you agree that the initial 5p minimum charge on single-use carrier bags has had a positive impact on the environment?

Yes

Conclusion

22 Do you have any other comments that you would like to make, relevant to the subject of this consultation, that you have not covered in your answers to other questions?

1.1.9 Please provide any comments.:

Reduce: Tackling the throwaway culture

Ministers are asking if they should have the power to set charges for environmentally harmful items such as single use beverage cups and are asking if there any other items that should be considered.

This should be welcomed as a positive step towards the public becoming aware of behaviours that are environmentally damaging as they would have to pay the cost of disposing of the item. This could have an impact on the Council as we would need to change to more sustainable measures of providing drinking receptacles within offices and schools. This will also move the public towards using their own sustainable receptacles and will reduce waste as a result.

Reuse: encouraging use and reuse to prevent waste

Ministers are seeking to have the power to require mandatory public reporting of business waste and surplus which will strengthen monitoring and measurement of waste across all sectors. The initial focus will be on food waste and textiles. They are also seeking a view on the reporting of other materials/wastes and how surplus waste should be redistributed.

This would be welcomed but may require an investment in weighing equipment and chipping for commercial waste bins if this information was required to be reported accurately. The private sector would also be required to invest in equipment.

Recycle: maximising value for materials

The consultation asks if we agree with the principle of enabling Scottish Ministers to place additional requirements on local authorities in order to increase rates and quality of household recycling.

The Council Signed up the Household Recycling Charter and associated code of practice in 2016. The Council has taken steps to reduce capacity of

residual bins by moving from fortnightly collections of residual waste to three weekly collections for the majority of households implemented in December 2018. In addition to this measure the Council also introduced further segregation of recycling materials with the introduction of a green bin. The green bin takes plastic, glass and cans whilst the original blue bin is for paper and card. A full communications exercise was carried out which supported the change and the principles behind it. The changes have had a positive impact on recycling and in particular has increased participation on food and garden waste with an

increase of 48% in tonnage.

The Council is not fully compliant with the current Charter as a separate glass collection service has not been introduced. The issue of introducing a further bin gained some publicity following the implementation of the most recent service change and many opinions were cited that a further bin for glass would not be accepted by the public or financially viable for the local authority. It should be noted that recycling processing contractors are able to segregate the green bin materials into their appropriate fractions without having a detrimental effect on the quality of the recycle produced for market.

So far 30 of 32 authorities have signed the Charter and as this voluntary measure has been successful in making strategic change to the majority of Council waste services, then it may be considered appropriate not to support the Government's enabling powers to make the Household Recycling Charter mandatory. This would allow Council's to have continued discretion as to how they achieved the charter's aims.

The Charter is currently under review due to the impact of other measures such as the deposit and return scheme (DRS), Packaging Extended Producer Responsibility which (Packaging EPR). Both of the measures will have a direct impact on the quantity and the quality of remaining materials in both the recycle collections and residual waste. It is proposed that the Packaging EPR scheme moves to recover 100% of the costs of dealing with packaging. There will be significant changes in the funding model for local authority collection services and a review may impact on the funding already issued (not ring-fenced) to local authorities through the strategic waste fund.

The Scottish Government target for 2020 is that 60% of household waste is recycled. This is a national target. An example is given in the consultation where Welsh authorities have a national target that is also applied locally with Councils that do not meet the target possibly being fined. The Council has a high proportion of flats and mimics the performance of a city in terms of refuse collection. The impact of this could be that we could be subject to fines if we did not meet the next set of revised targets.

Another important point for consideration would be to consider the public's obligations for engaging in recycling. There are currently no statutory obligations on householders to segregate their waste. In addition to this the Council has no real measures to enforce the public to recycle. The intention could be to use any measures given to authorities as a last resort following engagement and awareness raising measures. This may be an area where it may be helpful to have a government mandate rather than local elected members making decisions on whether it should be implemented.

Improving Enforcement

The Government has identified two improvements to enforcement firstly to address a gap in the powers available to enforcement authorities in relation to vehicle seizures linked to waste crime and secondly to create a fixed penalty regime for littering from vehicles.

This concept of seizing vehicles will need further developed with answers as to who would be responsible for this enforcement. If it was minded as being the responsibility of local authority, then this would require to be fully funded as a new obligation. This would also include storage of any seized property.

The Council would be keen to agree to the introduction of a new fixed penalty regime for littering from vehicles and making the registered keeper of a vehicle ultimately responsible for criminal offences.

Vehicle littering is a significant issue for the Council and in particular, at traffic light junctions. The preference would be that the Council would be allowed to install cameras at problem junctions and would fully funded to review footage and take appropriate action.

Assessing the impact of bill proposals.

The consultation seeks to assess the equalities, business and regulatory, and environmental impact of plans to inform the policy development process.

One point would be to ensure that disabled people are not adversely affected by their lack of ability to engage with recycling initiatives and that they are not affected by enforcement measures which could be put into place. Capacity of the elderly and those suffering from dementia is often an issue as are carers who do place the correct materials in the right bins. The proposals contained in the consultation are likely to have a positive effect on the environment.

Placing statutory measures on householders to engage in recycling will have an impact on those householders who regularly place materials in their residual waste bins. Prior to the introduction of our latest service change over 60% of material in the grey bin was recycle.

Proposals for Secondary Legislation

The government intend to use secondary legislation powers in the Procurement Reform (Scotland) Act 2014 to ensure public bodies will have to describe their approaches to climate change and the circular economy.

This is an area that the Council would be happy to endorse. This would also stimulate a circular economy within the council area and further afield. The Government intend to increase the minimum single-use carrier bag charge from 5p to 10p.

The Council would support this measure due to the positive impact in terms of the environment and the positive impact on behavioural change

Are you responding as an individual or an organisation?

Organisation

What is your organisation?

1.1.10 Organisation:

Renfrewshire Council

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response only (without name)

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes