

**To: Planning and Climate Change Policy Board**

**On: 29 August 2023**

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**Report by: Director of Environment, Housing and Infrastructure**

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**Heading: Circular Economy (Scotland) Bill: Stage 1**

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## **1. Summary**

- 1.1 On 13 June 2023, the Circular Economy (Scotland) Bill was introduced in Parliament. The Bill is currently at Stage 1.
  - 1.2 The purpose of the Circular Economy (Scotland) Bill is to introduce measures as part of the transition to a circular economy that require primary legislation. It aims to set out how modernising Scotland's waste and recycling services can help tackle the climate and nature crises and how, by introducing a circular economy strategy and associated targets, progress towards reaching a circular economy will be monitored.
  - 1.3 Measures at this stage include giving Ministers powers to set local recycling rates (building on the experience of Wales which has the best recycling rates in the UK); setting statutory targets for delivery of a circular economy to measure progress in reducing waste; banning the disposal of unsold consumer goods to prevent good products ending up in landfill; and placing charges on single use items such as coffee cups to encourage the move to reusable alternatives.
  - 1.4 As part of horizon scanning to identify important developments which will have potential future impacts for the Council, Officers have highlighted key areas within the Bill in its current stage for noting by Members.
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## **2. Recommendations**

It is recommended that members of the Planning and Climate Change Policy Board:

- 2.1 note the high-level information available at this time on the Circular Economy (Scotland) Bill; and

- 2.2 note that updates will be provided to the relevant Policy Boards on the further development of the Bill as it progresses, along with any impacts upon local service delivery and statutory obligations.
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### **3. Background**

- 3.1 Estimates suggest that around 80% of Scotland's carbon emissions come from the services we use and the products we manufacture, consume and throw away. The Circular Economy (Scotland) Bill recognises that sustainable consumption and production are essential for Scotland's transition to a low carbon and green economy.
- 3.2 A circular economy is based on reducing waste, carbon emissions and pressures on resources and the natural environment, where products, services and resources are optimised; where everything has value; and materials are kept in use for longer, with waste minimised or designed out. Circular Economy is one of the 5 focus areas as approved within Renfrewshire's Plan for Net Zero.
- 3.3 On 13 June 2023, the Circular Economy (Scotland) Bill<sup>1</sup> was introduced in Parliament. The Circular Economy (Scotland) Bill is currently at Stage 1.
- 3.4 The purpose of the Bill is to outline steps towards creating a circular economy in Scotland and to introduce measures as part of the transition to a circular economy that require primary legislation, complemented by other legislative and non-legislative activities. It aims to set out how modernising Scotland's waste and recycling services can help tackle the climate emergency and nature and biodiversity crisis and how, by introducing a circular economy strategy and associated targets, progress towards reaching a circular economy will be monitored.
- 3.5 Local opportunities associated with a circular economy as set out in the Policy Memorandum include: opening up new market opportunities; improved productivity; increased self-sufficiency and resilience by reducing reliance on international supply chains and global shocks; local employment opportunities; and lower cost options to access goods.
- 3.6 On 28 June 2023, Parliament agreed a motion that consideration of the Circular Economy (Scotland) Bill at Stage 1 must be completed by 26<sup>th</sup> January 2024.

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<sup>1</sup> A Bill is a proposed Act of the Scottish Parliament which is introduced, scrutinised and debated by MSPs. Each Bill must go through several stages before it can be passed and become an Act.

## 4. Circular Economy (Scotland) Bill: Key Provisions at Stage 1

### 4.1 Key provisions at this stage of the Bill include:

- **Development of a Circular Economy Strategy** – placing a duty on Scottish Ministers to publish or refresh a Circular Economy Strategy at least every 5 years to direct national policy on the circular economy
- **Circular Economy targets** – development of statutory targets for Scottish Ministers to provide a focus for action
- **Restrictions on the disposal of unsold customer goods** – providing powers to limit the disposal of unsold goods, including clothing or electrical items, in order to reduce wasteful practice
- **Charges for single-use items** – creating powers to set a minimum charge for certain throwaway items in order to drive waste reduction and greater use of reusable items (intention to initially apply this to single use disposable beverage cups)
- **Householder's duty of care in relation to waste** – making it a criminal offence for a householder to breach their existing duty of care under the Environmental Protection Act 1990 in relation to waste, and creating a new fixed penalty regime to enforce this duty
- **Household waste** – requiring local authorities to comply with a code of practice on recycling and giving powers to Scottish Ministers to set recycling targets for local authorities, applying from 2030 onwards
- **Littering from vehicles** – establishing a new civil penalty regime that will make the keeper of a vehicle liable to pay a penalty charge in respect of a littering offence committed from that vehicle
- **Enforcement powers in respect of certain environmental offences** – improving enforcement against fly-tipping and other waste crimes through powers allowing the Scottish Environment Protection Agency (SEPA) and local authorities to seize vehicles involved in specified waste crime
- **Reporting on waste, surpluses, etc.** – creating powers requiring public reporting of waste and surplus by businesses (intention to initially apply this to information about food)

4.2 The Scottish Government have stated they will work with local authorities to co-design an updated national Code of Practice for household waste recycling, to support maximised recycling performance, increasing the quality and quantity of recycling collected; achieve more consistent local services; make the right choices easier for householders; and support and incentivise positive behaviours.

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## Implications of the Report

1. **Financial** – No current implications as this report is for noting. It is likely that the implementation of this Bill will have financial impacts for many businesses and organisations across Scotland, including Councils. As noted in 2.1, as the full implications for local government emerge, future reports on the implications will be brought to the relevant Policy Boards.
2. **HR & Organisational Development** – none.
3. **Community/Council Planning** – none.
4. **Legal** - No current implications as this report is for noting. It is likely that the implementation of this Bill will have financial impacts for many businesses and organisations across Scotland, including Councils. As noted in 2.1, as the full implications for local government emerge, a future report will be brought to the Planning and Climate Change Policy Board.
5. **Property/Assets** - none.
6. **Information Technology** – none.
7. **Equality and Human Rights** - none.
8. **Health and Safety** – none.
9. **Procurement** – No current implications as this report is for noting. It is likely that the implementation of this Bill will have financial impacts for many businesses and organisations across Scotland, including Councils. As noted in 2.1, as the full implications for local government emerge, a future report will be brought to the Planning and Climate Change Policy Board.
10. **Risk** – none.
11. **Privacy Impact** – none.
12. **COSLA Policy Position** – COSLA has a longstanding position on climate change, supporting Scotland’s 2045 target for net zero.
13. **Climate Risk** – as noted in para 3.2, this aligns with Renfrewshire’s Plan for Net Zero, specifically the Circular Economy theme.

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## List of Background Papers:

None

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