

Response ID ANON-7Z2F-RKM9-C

Submitted to **Circular Economy: Proposals for Legislation**

Submitted on **2019-12-19 10:49:59**

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

If yes, please specify. :

The consultation paper outlines that the EU Single-use Plastics Directive (SUP) 2019/904 has identified proposals to target 10 single-use plastics products, as listed below:

- cutlery
- plates;
- straws;
- stirrers for beverages;
- balloon sticks;
- food and beverage containers and cups made of expanded polystyrene;
- products made from oxo degradable plastic; and
- cotton bud sticks.

Careful consideration must be given to the life cycle impact of any item prior to introducing a charge, in order to prevent any unintended consequences. This must include consideration of the alternatives and their life cycle impact.

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

Yes

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

Yes

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?

Don't know

If yes, please specify.:

Possibly construction materials.

7 Do you have any suggestions on how to encourage the reuse and redistribution of unwanted surplus stock, such as clothing and textiles?

Yes

If yes, please specify.:

Consideration could be given to placing a voluntary and/or legal requirement on producers/retailers to redistribute surplus stock. This could be done through an accreditation scheme or more formally through setting limits as to the amount of surplus stock that can be landfilled, treated by Waste to Energy and or sent for recycling. The limits could be based on the quantity of clothing manufactured/sold.

In the first instance, and given the increased consumer interest regarding the impact clothing has on the environment, it may be worth considering a voluntary standard or accreditation with a quality mark. This could be developed alongside the textile/clothing/retail industry and would help inform consumers that the products they are purchasing meet the agreed standard.

This may help influence both consumer and industry behaviour in a positive way without the need for a legal framework.

The reasons that clothing retailers have surplus stock is not discussed. Much clothing – ‘fast fashion’ - is too cheap at consumer level. There is a need to review the production, marketing and distribution models of clothing in this section of the fashion market to reduce demand. The supply and demand relationship must be addressed, by for example increasing the cost at point of sale alongside further increases in consumer awareness.

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?

Yes

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

It is important to recognise that local authorities have maintained and improved the rate and quality of household recycling in the face of unprecedented financial pressures, increased service demand, increased recycling costs caused by changes in the global commodities market and a continually changing legislative and policy framework.

Given these challenges and the fact that the Scottish Government's ambitious recycling targets are not statutory, the household recycling charter is voluntary and funding from the Scottish Government to implement changes has been limited (start-up capital funding only), it is possibly not surprising that national household recycling performance has slowed in recent years.

That said, Scottish Borders Council understands that one potential route to increasing rates and quality of household recycling is to enable Scottish Ministers to place additional requirements on local authorities.

Additional requirements could include moving away from a voluntary approach to the 'Household Recycling Charter' and towards a more mandated approach, whereby implementation of the Charter and its supporting Code of Practice becomes a statutory obligation.

Alternatives could include:

- Maintaining the status quo but providing Councils with the assurance that if they align to the voluntary charter any additional service costs would be fully funded on an ongoing basis (capital and revenue).
- Consideration of the Welsh model which includes setting statutory recycling rates, additional funding and penalties where targets are not met. Scottish Borders Council is keen to play its part in delivering the Scottish Government's ambitions for a Scottish Circular Economy. However, this will require further clarity in relation to the many ongoing policy and regulatory reviews that being progressed by the Scottish and UK Governments. It will also require additional funding, the most likely source being the packaging EPR reform. It would therefore make sense to see any future requirements and timelines align with the EPR reform and Deposit Return Scheme.

It is suggested a more detailed discussion and consultation is required with local authorities on the subject and certainly before any secondary legislation is considered. This must include how Councils will be fully financially compensated (revenue and capital) as a result of any subsequent service changes.

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?

Yes

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

If yes, please specify.:

Local authorities require clarity as to the short, medium and long term policy and legislative framework. This will enable them to make the service changes which will support the Scottish Governments ambitions to improve recycling performance and deliver a Circular Economy. Although the general direction of travel is clear the detail is not, which is extremely unhelpful. This is due to the number of reviews being considered at the current time both by the Scottish and UK

governments.

It is widely accepted within the industry that pay by weight has the potential to significantly impact behaviour change. It is therefore suggested this may be worth further consideration, however it is fully appreciated that this is a complex and sensitive subject.

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?

Please specify.:

Scottish Borders Council has not had an opportunity to review the EQIA and is therefore unable to comment.

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?

Please specify.:

Scottish Borders Council has not had an opportunity to review the BRIA and is therefore unable to 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?

Please specify.:

It would appear to Scottish Borders Council that all of the proposals have the potential to impact the environment. The impact on the environment will depend on how and when they are implemented, however it is hoped that they would be positive.

There is still limited detail on any specific measures other than to collect data and report. While this is accepted an essential element of policy development and enforcement, there are questions over how accuracy will be monitored and verified, who will be accountable if data is inaccurate or not provided where this related to a complex supply chain, and what action will be taken if this is the case?

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?

Please provide any comments.:

Scottish Borders Council is broadly supportive of the proposals presented in the consultation on the basis that:

- Further more detailed consultations are undertaken prior to the introduction of new requirements or secondary legislation.
- Where Local Authorities incur additional cost as a result of any new requirements/legislation they are financially compensated in full on an ongoing basis.
- That decisions/regulations are evidence based including full life cycle analysis, where appropriate, in order to prevent unintended environmental consequences.

Reporting – insufficient to drive behaviour change, accuracy, accountability issues are key, what remedial measures would be required. There are questions over how these proposals will really impact behaviours and business models, as well as consumer demand.

Education – the proposals fundamentally omit mention of education and awareness to drive changes in consumption patterns.

In the majority of cases the consultation document limits the respondents feedback to yes/no/not answers. This is unhelpful as it gives no opportunity for the respondent to clarify its answers on what are complex issues. As such Scottish Borders Council requests that its consultation response is read in conjunction with the following additional information:

Q1 - Scottish Borders Council is broadly supportive of introducing charges for environmentally harmful items, for example single use disposal cups, to change behaviour. However the decision to introduce charges must be supported by a full life cycle impact of the item/s and their alternatives. It is imperative that there is a strong evidence base prior to introducing a charge to prevent any unintended consequence.

It is also important that if and when the charges are implemented they are supported by a national communications campaign outlining the alternatives. The supply chain, retailers and consumers must be clearly informed of the alternatives and are confident that they are doing the right thing.

From a transparency perspective it would be helpful for the Scottish Government to confirm what will happen to the income generated from the charges. For example will it be used to support the delivery of the Scottish Governments ambitions for a Circular Economy or other environmental/climate change targets/causes?

Projected increases in the use of single-use cups are noted by the EPECOM but there appears to be little understanding of the reasons for this increase. Consumption of beverages 'on the go' must be fully understood in terms of the behavioural drivers which make the purchase of drinks seem 'essential', whether this is habituation, reliance on stimulants, cultural changes or lack of provision of 'break times' during the working day. Developing an understanding of these issues should facilitate an evidence-based and effective reduction of use of such items.

Q2 - See response to question 1.

Q4 - In principle Officers are supportive of the proposal to strengthen monitoring, measurement and reporting of waste across all sectors, including food, textiles and clothing. However the practicalities and costs of achieving this are not discussed in detail, for example producers will presumably need to separate, store, weigh, record and presumably report on targeted materials. It is therefore suggested this needs further more detailed discussion through consultation and certainly prior to secondary legislation being introduced.

Q9 - Scottish Borders Council understands and agrees with the general principle of greater consistency in household collection across different local authority areas. However, careful consideration must be given to the environmental, operational and financial implications of delivering a standardised collection service in rural areas to avoid unintended consequences.

Any future system must be not be overly prescriptive and should be flexible enough to respond to local factors. For example it may be that rural areas are provided exemptions on environmental grounds and or financial grounds.

It is suggested a more detailed discussion and consultation is required with local authorities on the subject and certainly before any secondary legislation is considered. This must include how Councils will be fully financially compensated (revenue and capital) as a result of any subsequent service changes.

Q10 - The answer is dependent on the premise of the question. If the Scottish Government's aim is to deliver a more consistent collection service across Scotland then the answer is more than likely 'yes'. However it is not the only way that this aim can be achieved as outlined in our response to question 8 and 9. For the purposes of clarity, Scottish Borders Council would only support a mandated approach where the Scottish Government fully funds any service changes that are required to achieve Scotland's Household Recycling Charter and that they communicate the service changes at a national and local level.

It is suggested a more detailed discussion and consultation is required with local authorities on the subject and certainly before any secondary legislation is considered. This must include how Councils will be fully financially compensated (revenue and capital) as a result of any subsequent service changes.

Q11 - Scottish Borders Council works closely with householders to provide education and support to ensure the materials we collect are placed in the right bins. However, analysis indicates that approximately 70% of the waste presented in the general waste bin could have been recycled.

To address this we have recently developed and delivered a communications campaign called 'millions of reasons to recycle' to further promote the need to recycle and provide advice and guidance regarding what goes in what bin.

The reality is that local authorities have very few powers to require householders to recycle. In our case we provide guidance, contamination hangers, visits and letters. In certain situations, this is more than adequate to resolve to the situation. However in more problematic cases it is not. This is particularly problematic where communal bins are provided. It is on this basis that Scottish Borders Council believes that householders existing obligations to recycle are insufficient and requires review.

However, that is only part of the problem.

Manufacturers and retailers currently pass the responsibility to recycle onto consumers and local authorities for managing their waste. They provide little guidance

or consideration for the environmental or financial costs. In many cases householders want to do the right thing but are just confused. It is hoped that the Deposit Return Scheme and the packing EPR reform will assist in addressing some of these issues including reducing the amount of packaging waste generated in the first instance.

It is proposed that there is a national discussion regarding the responsibility of householders to recycle, which considers the wider responsibilities of manufacturers, retailers and local/national government.

Q13 - Scottish Border Council is supportive of the proposal that Scotland should have the power seize vehicles suspected of waste crime, similar to the rest of the UK.

Q14 - Scottish Border Council is supportive of the proposal that Scottish Ministers should have the powers to introduce a new fixed penalty regime for littering from vehicles, bringing Scotland into line with England and Wales.

Q19 - Scottish Borders Council understands that public bodies have huge buying power and are therefore well placed to influence the market in relation to the circular economy and climate change. It is for this reason that Scottish Borders is in principle supportive of the proposal. However it is important to recognise that local authorities already have a large number activities that require consideration when developing procurement strategies. It is recommended that further more detailed discussion is required with local authorities prior to implementation in relation to the skills gap, resource, funding and ultimately their ability to take on additional activities.

Q20 - Scottish Borders Council is supportive of increasing the minimum charge on single-use carrier bags in order to keep pace with inflation. However there is also a need to consider the impact that alternatives (i.e. re-useable bags) are having on the environment. This links back to our previous comments in Section 1 where we have suggested that full life cycle analysis is required not only on targeted items but the alternatives to avoid unintended consequences. We would also suggest that the price increase coincides with a national communications campaign to ensure manufacturers, retailers and consumers understand what the alternatives are so that they make the right choices.

About you

What is your name?

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Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation:

Scottish Borders Council

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

Publish response with 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

Evaluation

Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Very satisfied

Please enter comments here.:

The amount of time to complete the response was extremely short for such a complex area particularly given Local Authority Committee processes.

In many cases the questions were leading and only provided the opportunity to give yes/no/not sure answers. Although it is appreciated there was an opportunity to provide additional information it means it is not being read in context with the question. We can only imagine that answers will be reviewed based on yes/no/not sure responses which will skew the figures as the additional information is not going to be given the same weighting. For example Scottish Borders has supported a number of proposals but these are caveated within the written response.

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:

Slightly satisfied

Please enter comments here.:

Citizen Space is generally a fantastic tool.

However the way the consultation has been developed has made using Citizen Space clunky.