

# Circular Economy Bill

APSE Scotland Waste and Recycling Advisory group Meeting - August  
2023

# CE Bill - Commitments

**2021 SNP Manifesto commitment** - We will bring forward a Circular Economy Bill to advance Scotland's ambitions for the circular economy through measures which will encourage reuse of products and reduce waste. The bill will tackle our reliance on single-use items and include measures to tackle textile pollution / fast fashion

**PfG 2022 commitment** - To accelerate our transition to a circular economy and modernise Scotland's waste and recycling services, we will: Bring forward a Circular Economy Bill, enabling us to advance a zero waste and circular economy by increasing reuse and recycling rates, and improving waste and recycling services

**Bute House Agreement** - the Scottish Government and Scottish Green Party share an ambition to advance Scotland's circular economy, as an essential contribution to tackling the twin crises of climate change and biodiversity loss. We therefore agree to discuss ...what requirements may need to be included in a Circular Economy Bill later in this parliamentary session

**FM Prospectus**- .... a Circular Economy Bill to revamp how we use resources and deal with waste...



Principles

# CE Bill Provisions – Strategic interventions

Provision	Description
Circular economy strategy	placing a duty on Scottish Ministers to publish or refresh a circular economy strategy every 5 years in order to direct national policy on the circular economy.
Circular economy targets	developing statutory targets to provide a focus for action and certainty in direction of travel across circular economy policy
Restrictions on the destruction of unsold consumer goods	providing powers to limit the destruction of unsold goods in order to reduce wasteful practice and unsustainable behaviour
Charges for single-use items	creating a power to set a minimum charge for certain throwaway items in order drive waste reduction and greater use of reusable items (the intention is for this initially to be applied to single-use disposable beverage cups)
Reporting on waste, surpluses, etc	obtaining information about where waste is occurring through a power to require information which would lead to public reporting of waste and surplus by businesses (the intention is for this initially to be applied to information about food)

# CE Bill provisions – Recycling & Enforcement

Provision	Description
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, and creating a new fixed penalty regime to enforce this duty.
Household waste	gives local authorities a package of new responsibilities and powers: <ul style="list-style-type: none"><li>• establishing new fixed penalty notice procedure &amp; concurrent civil penalty regime for LAs to tackle recycling contamination.</li><li>• requiring local authorities to comply with a code of practice on recycling</li><li>• giving powers to Scottish Ministers to set recycling targets for local authorities</li></ul>
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
Seizure of vehicles	improving enforcement against fly-tipping and other waste crime through a power allowing the Scottish Environment Protection Agency (SEPA) and local authorities to seize vehicles involved in specified waste crime

## Recap – Recycling objectives

Vision: Improve and optimise the performance of household recycling collection services to make the right choices the easier choices for households, ensure high standards across Scotland and maximise diversion of waste from disposal.

### **(1) Make recycling easier than disposal**

- particularly for materials with a high environmental impact or where recycling rates remain low
- support and incentivise positive behaviours.

### **(2) Design and deliver services that maximise recycling performance and achieve more consistent local services**

- high performing recycling services need to be accessible, efficient, economically sustainable
- right incentives and support to share and scale best practice, taking into account local context (eg housing, geography).

**(3) Share best practice and support local authorities** to drive local improvements and achieve consistently high recycling rates across Scotland.

### **(4) Embed decisions about recycling in the design and sale of products**

- Products often placed on the market that do not have technical or economic options for recycling.

### **(5) Increase transparency and generate more confidence in the recycling process**

- Greater transparency and confidence in recycling process to increase participation rates.
- Aligns with Committee on Climate Change's recommendation.

## Measure 1: Householder's duty of care

### What it does:

- 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.
- Creating a new fixed penalty regime, granting LAs new powers to enforce breaches to householders' duty of care obligations (equivalent to England/Wales powers).
- Householders must take reasonable steps to secure that any transfer of waste is to an authorised person, or to a person for authorised transport purposes.

### Rationale and evidence:

- Strong support via National Litter & Fly-tipping Strategy consultation for more robust enforcement regime.
- Prevention of fly-tipping where an offence is traced back to a particular household.
- Raise awareness of householder responsibilities when disposing of waste.

### Costs/savings:

- Not definitive (dependent on level of fines): Illustrative: Costs around enforcement (staff), offset by fines + savings in reduced litter/flytipping

## Measure 2: Household waste requirements

### What it does:

- Establishing new fixed penalty notice procedure & concurrent civil penalty regime for LAs to improve household recycling behaviours & tackle recycling contamination. ‘Ladder’ approach to enforcement:
  - (1) written warnings and penalty charges for failures to comply with the requirements in section 46 of the Environmental Protection Act 1990, and
  - (2) where the behaviour is more serious, issue fixed penalty notices to households under specified circumstances, in accordance with guidance.

### Rationale and evidence:

- High rates of householder non-participation in separating recyclable waste AND high levels of contamination.
- Councils limited in steps they can take. Through Bill/Route Map consultation, requests from LAs for greater powers in this space.
- Currently, inconsistent powers compared with littering/flytipping enforcement.

### Costs/savings:

- Not definitive yet (eg levels of fines): Illustrative costs around Enforcement (staff), offset by fines plus savings in reduced recyclate contamination (& associated disposal costs), litter/flytipping



## Measure 3: Code of practice on household waste recycling [ENABLING]

### What it does:

- Requires Scottish Ministers to develop a statutory code, setting out standards expected of and steps to be taken by LAs for provision of high-performance household waste services in different contexts – to be informed by outputs from co-design process.
- Requires Scottish Ministers to consult with LAs/SEPA before publishing or revising the code.
- Local authorities' integrated waste management plans must set out how the local authority in question intends to perform its functions consistently with the code

### Rationale and evidence:

- More consistent approaches to household recycling, ensuring householders are clearer about what they can recycle and how to do this – principle supported in Bill / Route Map consultations.
- Clearer strategic direction for recycling, co-designed between SG, LG, and households – allied with communication, engagement, behavioural change measure

### Costs/savings:

- Highly dependent on scope & content of co-design and resulting new code, LA service redesign cycles & contracts (e.g. related to RIF), transition for new arrangements, and other known requirements and potential offsetting (e.g. EPR funding).
- Context: To enable all 32 Scottish LAs to align with **existing** code approx. £88.4 million.
- Staff costs related to co-design and development of code.

## Measure 4: Recycling targets for waste collection [ENABLING]

### What it does:

- Provides Scottish Ministers with powers to set recycling targets (e.g. recycling, preparation for reuse & composting) for LAs from 2030 onwards to help drive further improvements in local recycling performance. Requires Scottish Ministers to consult local authorities.
- Power for Scottish Ministers to enforce targets, with monitoring role for SEPA, and, where targets not met, to seek explanation from an LA, where appropriate an improvement plan, and set financial penalties (as a last resort).
- Commitment to work with local government to set achievable, appropriate targets as part of secondary regs & consultation for new targets.

### Rationale and evidence:

- Statutory targets a feature of high-performing systems in other nations or regions. Designed to complement new code and wider Circular Economy targets.
- Broad support from Bill consultation (84%).
- Research to help inform a co-design process with local government.

### Costs/savings:

- Linked and highly dependent on scope / content of co-design and resulting new code.
- Likely COSLA and local authority staff resource on design

## **NOT IN BILL: Commercial recycling zoning**

### **Background**

- Research suggests that ‘zoning’ has been utilised across the world, by collaborating on service procurement alongside container and collection optimisation, can improve service consistency, and recycling performance through optimised efficiency of collections.
- Support in consultation (66%), both potential advantages and concerns highlighted. Eg more efficient collections, but risks to innovation.

### **Rationale and evidence:**

- Research commissioned/completed: suggests potential of zoning to improve commercial recycling rates – BUT little added benefit for mandatory approach, over and above voluntary zoning approach.

### **Next steps:**

- Through Route Map, consideration to progress package on commercial recycling, and voluntary collaborative approach as part of co-design process.

