

EAST RENFREWSHIRE COUNCIL

CABINET

25 September 2014

Report by Director of Environment

THE SINGLE USE CARRIER BAGS CHARGE (SCOTLAND) REGULATIONS 2014

**PURPOSE OF REPORT**

1. The purpose of this report is to inform the Cabinet of the above regulations made under the Climate Change (Scotland) Act 2009.

**RECOMMENDATIONS**

2. It is recommended that the Cabinet:

- (a) acknowledge that the Trading Standards service will be responsible for the enforcement of The Single Use Carrier Bags Charge (Scotland) Regulations 2014; and
- (b) delegate authority to the Director of Environment and the Head of Environment (Environmental Services and Roads) to appoint officers for the purposes of the administration and enforcement of the Single Use Carrier Bags Charge (Scotland) Regulations 2014.

**BACKGROUND**

3. The Single Use Carrier Bags Charge (Scotland) Regulations 2014 were passed to assist implementation of Scotland's Zero Waste Plan, which sets out actions to deliver important changes to how waste is treated and managed in Scotland.

4. Research indicates that 750 million carrier bags are dispensed annually by supermarkets in Scotland, which equated to 11.7 bags used per person per month. If these figures were expanded to include all retailers then this figure would be substantially higher.

5. Although by weight they form a small proportion of Scotland's waste stream, carrier bags can become a highly visible and damaging component of litter. Zero Waste Scotland research suggests that around 7.4 million bags are retrieved each year from the wider environment by Scottish local authorities.

6. Scotland's Zero Waste Plan aims to change the public's perception of resources and the culture of "use and discard" when many materials are readily recyclable. The Zero Waste Plan encourages re-use of materials as often as possible to maximise their economic value and minimise their carbon impact.

## REPORT

7. The Single Use carrier Bags Charge (Scotland) Regulations 2014 introduce a levy of 5p per carrier bag on most types of carrier bags (not only plastic ones). These regulations will come into effect on 20 October 2014 and have 2 principal aims:

- To charge a minimum of 5p for new single use carrier bags (paper, some plant-based material or plastic); and
- Where 10 or more Full Time Equivalent staff are employed, to keep, retain and supply information on bags supplied and monies received as a result of charges.

8. The charge for the bags only applies if the bags meet definitions as to single use, materials they are made of, and size. However there are a number of exceptions for charging for bags e.g. if they contain: medicines, uncooked meats, feedstuffs and food sold loose.

9. There are a number of powers attached to enforcement of the regulations including, make test purchases, inspect any goods, enter any premises at any reasonable time (other than domestic premises), question the supplier or an officer, employee or agent of the supplier, and require the production of documents.

10. These powers will be necessary if enforcement action needs to be taken in pursuit of the offences contained within these Regulations. The main offence is not charging for a single use carrier bag which applies to all retailers. There are offences relating to keeping records of the “net proceedings”- monies raised by the charge for the bags minus various specified costs. However, the requirement to keep records only relates to businesses with more than 10 Full Time Equivalent Employees.

11. The Scottish Government has expressed a desire to see the proceeds from this charge donated to good causes, particularly those in Scotland with an environmental focus. To facilitate the charge being used for these purposes a voluntary agreement, the Carrier Bag Commitment has been established, and is operated by Zero Waste Scotland. Signatories will commit to “donate the net proceeds from the charge to good causes, that may include environmental causes” and also report the information they have to record for the Regulations through a central reporting portal hosted by Zero Waste Scotland. However donation of the net proceedings from the charge is voluntary and the retailer can do with them as they see fit.

12. Prior to these regulations coming into force Zero Waste Scotland will run an extensive communications campaign to alert retailers to their duties contained within these regulations. This will include a direct mail pack of information to small retailers in partnership with Local Authorities and engagement with larger retailers, through various retail trade associations, to provide a range of communication materials digitally, that they can then use appropriately. Zero Waste Scotland have proposed a 3 month grace period, from Monday 20 October 2014, before any formal enforcement action is considered because they believe that there may be difficulties for retailers in complying with the requirements of the Regulations.

## FINANCE AND EFFICIENCY

13. Among the duties of the Trading Standards Service is the maintenance of the integrity of the trading environment within East Renfrewshire. During the consultation process prior to the passing of this legislation it was established that it would best sit within the remit of the Trading Standards service and this duty can be accommodated with no additional resource implications.

## **CONSULTATION**

14. No consultation was undertaken as it this a legislative duty placed on East Renfrewshire Council.

## **PARTNERSHIP WORKING**

15. We will work in partnership with Zero Waste Scotland, by enforcing this legislation, which will help to encourage re-use and recycling and in so doing deliver important changes to how Scotland treats and manages waste.

## **IMPLICATIONS OF THE PROPOSALS**

16. These regulations are a duty placed on East Renfrewshire and as it can be accomplished within the present work of Trading Standards there are no staffing, equalities, IT, financial or other implications associated with this report.

## **CONCLUSIONS**

17. This legislation places an enforcement duty on East Renfrewshire Council and the enforcement regime is such that it mirrors a number of other pieces of legislation enforced by Trading Standards. It is therefore proposed that this enforcement be carried out by Trading Standards to act on behalf of this authority.

## **RECOMMENDATIONS**

18. It is recommended that the Cabinet:

- (a) acknowledge that the Trading Standards service will be responsible for the enforcement of The Single Use Carrier Bags Charge (Scotland) Regulations 2014; and
- (b) delegate authority to the Director of Environment and the Head of Environment (Environmental Services and Roads) to appoint officers for the purposes of the administration and enforcement of the Single Use Carrier Bags Charge (Scotland) Regulations 2014.

Director of Environment

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