

Developing Scotland's Circular Economy:

**Proposals for Legislation
Analysis of responses**

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Developing Scotland's Circular Economy: Proposals for Legislation

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List of acronyms

The following acronyms are used in this report.

DEFRA	UK Department for Environment, Food and Rural Affairs.
EPECOM	Expert Panel on Environmental Charging and Other Measures – a group of experts established by the Scottish Government in May 2018 to provide advice to Scottish Ministers on charges or other measures which may be adopted in Scotland, within devolved competence, with the goal of encouraging long-term and sustainable changes in consumer and producer behaviour, required to move towards a circular economy.
EPR	Extended Producer Responsibility – requires brand owners and manufacturers to take environmental responsibility for their products and the associated packaging when they become waste. This can involve: (i) creating take-back programmes, (ii) arranging waste collections, recycling or other suitable disposal, and (iii) designing products to make it easier for them to be reused or recycled.
HDPE	High-density polyethylene – a type of plastic commonly used for milk bottles.
MRF	Material Recycling Facility (also Material Recovery Facility or Material Reclamation Facility) – a large facility that collects recyclable materials and sorts them into materials of different types
PET	Polyethylene terephthalate – a type of plastic commonly used for soft drinks bottles.
SEPA	Scottish Environment Protection Agency – the environmental regulator in Scotland.

Executive summary

Introduction (Chapter 1)

1. In Autumn 2019, the Scottish Government carried out a public consultation to invite views on its proposals to develop Scotland's circular economy. The consultation paper, *Developing Scotland's Circular Economy: Proposals for Legislation*, focused on (i) a range of proposals to inform a Circular Economy Bill, and (ii) proposals to use existing powers more effectively through secondary legislation / regulations.¹
2. The consultation ran from 7 November 2019 to 19 December 2019 and contained 22 questions comprising 13 closed (tick-box) questions; five multi-part questions which had both a closed and a follow-on open question; and four questions which were fully open (with no preceding closed question).

Description of the responses and respondents (Chapter 2)

3. The consultation received 1,658 responses from 144 organisations or groups, 270 individuals and 1,244 campaign respondents. Organisational respondents included a wide range of public, private and third sector organisations based in Scotland and elsewhere in the UK.

Reduce: tackling our throwaway culture (Chapter 3)

4. Section 1 of the consultation paper set out the Scottish Government's proposal to include in the Circular Economy Bill a power to enable Scottish Ministers to levy charges on certain items, such as single-use disposable items, that are (i) harmful to the environment, (ii) can be replaced with sustainable alternatives, or (iii) problematic to recycle. In addition, the Scottish Government proposed that such a charge should be applied to single-use disposable beverage cups as a first priority. Respondents were asked: (i) if they agreed that Scottish Ministers should have the power to set charges for environmentally harmful items and (ii) if they agreed that the introduction of charges for single-use disposable beverage cups should be prioritised. Respondents were also asked for their views about what items these powers should be applied to in the future.
5. A large majority of respondents agreed that Scottish Ministers should have the power to set charges for environmentally harmful items, and that the introduction of charges for single-use disposable beverage cups should be prioritised. Beverage and vending companies and packaging and other manufacturing organisations were more likely than other organisations to disagree.
6. Respondents identified a wide variety of items that environmental charges could be applied to in the future, the most common of which were plastic takeaway food containers (including salad and sandwich pre-packed boxes, and any food containers made of polystyrene), disposable cutlery, stirrers and straws. Some respondents suggested that

¹ *Developing Scotland's circular economy: Proposals for legislation*. See <https://consult.gov.scot/environment-forestry/circular-economy-proposals-for-legislation/>.

environmental charging for these items should be seen as an interim measure before more formal legislative restrictions come into place in the future.

7. Some respondents thought the primary purpose of environmental charges should be to incentivise the use of reusable alternatives and that the charges should be sufficient to achieve this. Others suggested that, for the purposes of legislation, clarification was needed about what, exactly, constituted 'single-use' and 'environmentally harmful'.

8. Respondents commenting from an industry perspective wanted the Scottish Government to work with industry to obtain a thorough understanding of the feasibility and timings of finding alternative packaging solutions before introducing any new environmental changes beyond those proposed for single-use beverage cups. This group also thought that decisions about implementation and / or future priority items should be based on sound research, full impact assessment and life cycle analysis.

Reuse: encouraging use and reuse to prevent waste (Chapter 4)

9. Section 2 of the consultation paper discussed proposals that the Circular Economy Bill should introduce a power to enable Scottish Ministers to require mandatory public reporting of unwanted surplus stock and waste of certain materials by Scottish businesses.

10. Respondents were asked if they agreed that Scottish Ministers should have the power to require mandatory public reporting of (i) business waste and surplus, and (ii) food waste and surplus. Respondents were also asked for their views about (i) whether mandatory reporting requirements should be expanded to cover other items in the future, such as textiles and clothing, and (ii) how best to encourage the reuse and redistribution of unwanted surplus stock.

11. A large majority of respondents agreed that there should be a requirement for mandatory reporting of business waste and surplus, and food waste and surplus. Among organisations (i) food, drink, hospitality, tourism and retail organisations and (ii) packaging manufacturers and other manufacturing organisations were less likely than others to agree.

12. There was strong support for mandatory reporting requirements to be extended to include other types of waste and surplus in the future, including textiles and clothing. However, certain groups of organisations (food, drink, hospitality, tourism and retail organisations; packaging and other manufacturing organisations; and beverage and vending companies) were less likely than others to agree.

13. Among those who supported the expansion of mandatory reporting requirements in the future, there was general agreement that textiles and clothing surplus / waste should be covered. Other items frequently identified by respondents for future mandatory reporting were: (i) building materials, construction waste and construction site personal protection equipment, (ii) chemicals (including paints, varnishes, fertilisers, pesticides and herbicides and fuel), (iii) electrical equipment (e.g. IT equipment, televisions, radios, mobile phones, headphones, chargers, household appliances, tools, cables, etc.), (iv) furniture (domestic and office), and (v) man-made floor coverings (e.g. lino, composite materials).

14. Respondents also specifically mentioned certain industries or sectors of the economy where they thought mandatory reporting should be introduced in relation to surplus and waste. These were in relation to construction, hospitality, agriculture, horticulture, fishing / aquaculture, healthcare (including pharmacological and medical), online retail, energy (including nuclear energy), and petrochemical manufacture. More generally, there was a view that mandatory reporting requirements should start with those sectors that have the highest life cycle environment and social costs, and those with the highest reuse potential.

15. Respondents offered a range of suggestions about how to encourage the reuse and redistribution of unwanted surplus stock. These suggestions generally focused on: (i) possible mechanisms for facilitating reuse / redistribution, (ii) the types of organisations / groups that could receive redistributed surplus stock and (iii) the potential challenges of redistributing surplus (or used) stock for certain types of materials.

Recycle: maximising the value of materials (Chapter 5)

16. Section 3 of the consultation paper discussed the Scottish Government's proposals to use legislation to improve recycling rates in Scotland. This would involve a move away from the current voluntary approach to Scotland's *Household Recycling Charter* towards a more mandated approach.

17. A large majority of respondents were in favour of placing additional requirements on local authorities to increase the rate and quality of household recycling, although public sector organisations were more likely than others to disagree. Respondents supporting additional requirements on local authorities made a wide range of suggestions about what these could involve. The most common suggestions related to: (i) better public engagement, education and communication, (ii) improving recycling systems and infrastructure, (iii) collecting a wider range of materials, (iv) improving the quality of recycle, (v) expanding processing capacity, and (vi) monitoring / reporting of progress towards improved recycling.

18. Respondents generally agreed with the principle of greater consistency in household recycling collections across different local authority areas, and they largely supported a move away from the current voluntary approach to household recycling towards a more mandated approach. However, public sector organisations were less likely than other organisational respondents to agree with these proposals. Individual respondents (more so than organisations) also thought that there should be additional obligations on householders to improve recycling rates.

19. Respondents made a range of suggestions about other steps that could be taken at a national level to improve the rate and quality of household recycling. These focused on (i) improving communication and information to householders, (ii) expanding national and local recycling facilities and markets for recycled materials, (iii) proper funding of services via the Extended Producer Responsibility (EPR) scheme, (iv) improving the accessibility of recycling bins / collections, (v) taking action to reduce the use (by producers) of non-recyclable packaging, (vi) banning recyclable waste from landfill and / or charging for the collection of non-recyclable waste, and (vii) introducing sanctions (including fines) to encourage greater compliance by householders.

20. Some respondents also identified scope for additional legislation in this area, including legislation relating to enforcement, requirements to use recycled materials in manufacturing, regulations targeting manufacturers and supermarkets, and the transposition into Scottish law of the EU 'Right to Repair' Directive.

Improving enforcement (Chapter 6)

21. Section 4 of the consultation paper discussed proposals for improving current powers of enforcement relating to waste crime and littering.

22. The vast majority of respondents thought there should be a legal power to seize vehicles suspected of waste crime, and that a new fixed penalty regime should be introduced for littering from vehicles.

23. Respondents also generally supported the introduction of new legislation to allow the registered keeper of a vehicle to be held responsible for any criminal offences (such as littering) committed from or in relation to that vehicle.

Assessing the impact of the Bill proposals (Chapter 7)

24. Section 5 of the consultation paper invited views on the possible impacts of the proposals on: (i) equalities groups, (ii) businesses and regulatory bodies, and (iii) the environment.

25. In relation to equalities groups, respondents thought that people with disabilities would be most affected by the legislative proposals, especially in relation to environmental charging. Other groups thought to be potentially affected by the proposals included those who are (i) older / frail, (ii) unwell, sick or in hospital, (iii) non-English speakers, (iv) people with mental health difficulties, learning disabilities or dementia, (v) people on low incomes or living in deprived circumstances, and (vi) people living in rural areas.

26. In relation to business and regulatory impacts, respondents thought the proposals would increase costs for all businesses and sectors – at least in the short term. There were concerns that small businesses and those in the food, drink, restaurant and retail sectors could be disproportionately affected by the proposals, and it was suggested that these kinds of businesses would need to be well supported through the transition phase as the proposals were implemented.

27. In relation to environmental impacts, respondents generally thought the impacts of the proposals would be positive, particularly in relation to (reducing) litter and landfill – but only 'if the proposals are implemented properly' or 'if reusable alternatives are available'.

Proposals for secondary legislation (Chapter 8)

28. Section 6 of the consultation paper invited views on two proposals for secondary legislation related to: (i) including circular economy and climate change obligations in the procurement strategies of public bodies, and (ii) increasing the minimum charge for single-use carrier bags from 5p to 10p.

29. Respondents were nearly unanimous in their views that procurement strategies of relevant public bodies should include consideration of activity which supports the circular economy and action on climate change.

30. A large majority also agreed that the minimum charge on single-use carrier bags should be increased from 5p to 10p in order to build on the positive impact on the environment of the initial 5p charge on these bags.

Other comments (Chapter 9)

31. The final question in the consultation invited any other comments about topics relevant to the subject of the consultation. The comments made were very wide-ranging in nature and the analysis and reporting focused on (i) respondents' general views about the Circular Economy Bill proposals, (ii) a brief summary of any additional proposals that respondents made in relation to the main areas addressed in the consultation (i.e. reduce / reuse / recycle, etc.), and (iii) perceived gaps in the proposals.

32. In terms of their overall views, respondents generally welcomed the proposals set out in the consultation, but also thought they did not go far enough. Respondents often suggested additional actions that the Scottish Government could take in relation to each of the main areas of work set out in the consultation paper. In addition, they perceived gaps in proposals relating to: (i) the restoration and regeneration of natural systems, (ii) economic development in a circular economy model, (iii) links to other internationally agreed standards, (iv) communication and education, and (v) action in particular sectors of the economy.

1 Introduction

1.1 In Autumn 2019, the Scottish Government carried out a public consultation to invite views on its proposals to develop Scotland's circular economy. This report presents an analysis of the responses received.

Policy context

1.2 A circular economy is one in which resources are kept in use for as long as possible. This contrasts with a traditional 'linear' economy which involves taking resources from the ground, air or water; making them into products and structures; then disposing of them. The Scottish Government's circular economy objectives can be summarised as:

- Reducing waste
- Reducing litter
- Reducing carbon and resource footprint
- Increasing recycling rates and quality of recyclate and
- Maximising economic opportunities.

1.3 Circular economy policy was set out in the 2016 paper *Making Things Last*.² The approach involves a series of recycling and waste targets and implementation of a variety of initiatives, including a Food Waste Reduction Action Plan, business support through Zero Waste Scotland's Circular Economy Investment Fund and plans for a deposit return scheme for single-use drinks containers.

1.4 The aim of the current consultation was to develop the Scottish Government's policy proposals further, within the context of its response to the global climate emergency.

The consultation

1.5 The consultation paper, *Developing Scotland's Circular Economy: Proposals for Legislation*, focused on two main areas: (i) proposals to inform a Circular Economy Bill, and (ii) proposals to use existing powers more effectively through secondary legislation / regulations.³ The consultation ran from 7 November 2019 to 19 December 2019 and invited views on legislative proposals relating to:

- Tackling our throwaway culture (Questions 1–3)
- Encouraging use and reuse to prevent waste (Questions 4–7)
- Maximising the value of materials (Questions 8–12)
- Improving enforcement, particularly in relation to littering and waste crime (Questions 13–15)

² *Making Things Last: A Circular Economy Strategy for Scotland*. See <https://www.gov.scot/publications/making-things-last-circular-economy-strategy-scotland/pages/1/>.

³ *Developing Scotland's Circular Economy: Proposals for Legislation*. See <https://consult.gov.scot/environment-forestry/circular-economy-proposals-for-legislation/>.

- Secondary legislation, particularly in relation to public sector procurement practices and the (existing) single-use carrier bag charge (Questions 19–21).

1.6 A further set of questions (Questions 16–18) asked for comments about the possible impacts of the bill proposals on (i) equalities, (ii) business and regulatory issues, and (iii) the environment. A final question (Question 22) invited any other relevant comments.

1.7 The 22 numbered questions comprised 13 closed (tick-box) questions; 5 multi-part questions with both a closed and a follow-on open question; and 4 open questions with no preceding closed question. Not all of the closed questions had space for comments; however, respondents were directed to Question 22 if they wished to make any additional comments on any aspect of the consultation.

About the analysis

1.8 This report presents the analysis of the responses to the consultation. The findings are based on both quantitative and qualitative analysis, with an emphasis on the latter. The analysis explores the views of respondents on each of the issues and proposals discussed in the consultation paper.

1.9 Frequency analysis was undertaken in relation to all the closed questions in the consultation questionnaire and the results are shown in tables throughout this report. Comments made in response to each question were analysed qualitatively. The aim was to identify the main themes and the full range of views expressed in relation to each question or group of questions, and to identify and explore any areas of agreement and disagreement between different groups of respondents.

1.10 As with all consultations it is important to bear in mind that the views of those who have responded are not representative of the views of the wider population. Individuals (and organisations) who have a keen interest in a topic – and the capacity to respond – are more likely to participate in a consultation than those who do not. This self-selection means that the views of consultation participants cannot be generalised to the wider population.

1.11 For this reason, the approach to consultation analysis is primarily qualitative in nature. Its main purpose is **not** to identify how many people held particular views, but rather to understand the full **range** of views expressed.

The report

1.12 The remainder of this report is structured as follows:

- Chapter 2 presents information on the respondents to the consultation and the responses submitted.
- Chapters 3 to 9 present the results of the analysis of the responses to the consultation questions.

1.13 Annexes to the report comprise a full list of organisational respondents (Annex 1), information about a Friends of the Earth Scotland campaign which organised responses to the consultation (Annex 2) and the response rates for individual questions (Annex 3).

2 Description of the responses and respondents

Number of responses received

2.1 The consultation received 1,660 submissions. Three-quarters of the responses (75%) were submitted through a campaign organised by Friends of the Earth Scotland (FoES); just over a fifth (21%) were submitted by respondents directly through the Scottish Government's online response form; and the remaining 4% were submitted by email. (See Table 2.1.)

Table 2.1: Number of responses received, by response type

Response type	n	%
FoES campaign responses	1,244	75%
Online responses	353	21%
Offline email responses	63	4%
Total responses	1,660	100%

2.2 It should be noted that around half of those submitting responses by email were organisational respondents. These respondents often amended the consultation questionnaire to make comments after closed questions where the standard questionnaire had not provided space to do so. In many cases, respondents who did this wanted to give an explanation of why they had answered 'no', 'neither agree nor disagree' or 'don't know' to specific closed questions.

Number of responses included in the analysis

2.3 An examination of the data found that, within the 1,660 responses received, two organisations had submitted two responses. Specifically, these organisations submitted an online response and sent an identical (or nearly identical) response by email to the Scottish Government. In both these cases, the responses sent by email were retained, and the online responses were removed.

2.4 The analysis was thus based on **1,658 responses**, comprising responses from 144 organisations or groups, 270 individuals and 1,244 campaign supporters (Table 2.2).

Table 2.2: Responses included in the analysis, by respondent type

Respondent type	n	%
Organisations	144	9%
Individuals	270	16%
Campaign respondents	1,244	75%
Total	1,658	100%

Organisational respondents

2.5 The 144 organisations or groups who responded to the consultation included a wide range of public, private and third sector organisations – based in Scotland and elsewhere in the UK. Table 2.3 shows that the four largest categories of organisational respondent were:

- Environmental charities, third sector and community sector organisations (29): This group included local economic development organisations.
- Public sector organisations (28): This group included local authorities, local authority representative bodies, and national regulatory bodies.
- Food, drink, hospitality, tourism and retail organisations (25): This group included food and drink producers, restaurant (including fast food) trade organisations, supermarkets, large and small tourism organisations, and a range of other retailers.
- Environmental consultancies and resource management organisations (19): This group included recycling and waste management organisations.

2.6 The final three categories comprised academic and professional bodies and business representative bodies (17), packaging manufacturers and other types of manufacturing organisations (14), and beverage and vending companies (12). A list of all (144) organisational / group respondents is provided in Annex 1.

Table 2.3: Organisational respondents, by type

Organisation type	n	%
Environmental charities, third sector and community sector	29	20%
Public sector organisations	28	19%
Food, drink, hospitality, tourism and retail organisations	25	17%
Environmental consultancies & resource management organisations	19	13%
Academic and professional bodies and business representative bodies	17	12%
Packaging and other manufacturing organisations	14	10%
Beverage and vending companies	12	8%
Total	144	100%

Percentages may not total 100% due to rounding.

Campaign responses

2.7 The consultation received 1,244 standard campaign responses.⁴ Friends of the Earth Scotland (FoES) encouraged their members and supporters to take part in the consultation by providing a standard response template on their website which individuals could add their signature to, and then send to the Scottish Government by email.

2.8 The campaign text addressed eight of the consultation questions as shown in Table 2.4. Campaign responses are included in the analysis in Chapters 3 to 9 and are reported in relation to each of the questions addressed by the campaign. However, they are not included in the tables in each chapter, which are based on the substantive (i.e. non-campaign) responses only. A complete copy of the FoES standard campaign response is provided in Annex 2 of this report.

⁴ The figure, 1,244, has been provided by the Scottish Government. No independent verification of the number and type of campaign responses has taken place as part of the analysis.

Table 2.4: Assignment of campaign text to consultation questions

Campaign statement	Consultation question
I fully support the Scottish Government’s proposals outlined in this consultation to:	
<ul style="list-style-type: none"> • set charges for environmentally harmful items, 	Question 1
<ul style="list-style-type: none"> • require mandatory public reporting of business waste and surplus, 	Questions 4(i) and 4(ii)
<ul style="list-style-type: none"> • place additional requirements on local authorities and individuals to increase rates and quality of recycling of household items, 	Questions 8 and 11
<ul style="list-style-type: none"> • set powers to introduce a new fixed-penalty regime for littering from vehicles, and 	Question 14
<ul style="list-style-type: none"> • increase the minimum single-use carrier bag charge from 5p to 10p. 	Question 20
<p>However, I seek assurance that the Scottish Government’s forthcoming Circular Economy Bill will also:</p> <ul style="list-style-type: none"> • Include robust targets to tackle our overconsumption of resources including: reducing our carbon footprint to net zero by 2050, reducing our material footprint by 50% from 2020 to 2030 for minerals, metals and fossil fuel feedstocks, and an obligation to create a biomass strategy. • Set a duty on ministers to report annually on progress towards these targets. • Introduce a Resources Reduction Plan to be updated every 5 years with policies and other instruments to steer our economy towards meeting the targets. <p>I also support the full proposals outlined in Scottish Environment LINK’s ‘Call for a Strong Circular Economy Bill for Scotland’ and note a move to a true circular economy could save Scotland 11 million tonnes of carbon emissions by 2050.</p> <p>Scotland’s material consumption accounts for 68–74% of its entire carbon footprint and therefore I urge you to go further than the proposals and set ambitious targets which will help Scotland tackle climate change and our wasteful use of resources.</p>	Question 22

2.9 Note that there was also some evidence of other organised campaign-type responses. For example, some lengthy responses included identical or similar wording or phrases. However, in most cases, these responses also included additional (personalised) comments. In addition, some respondents (including the standard campaign response from FoES, cited above) referred to, quoted and endorsed the response submitted by Scottish Environment LINK.

Response rate to individual questions

2.10 There was a relatively high response rate to the individual questions in this consultation. Across the consultation questionnaire, the closed questions attracted a particularly high level of response, with response rates for individual questions ranging from 81% to 90% for organisations and from 94% to 100% for individuals.

2.11 The response rates for open questions were lower and, for organisations, ranged from 52% for Question 16, which asked about the equalities impacts of the proposals, to 72% for Question 18, which asked about the environmental impacts of the proposals. Response rates for individuals for open questions ranged from 57% for Question 16 (on equalities impacts), to 79% for Question 7, which asked for suggestions for encouraging the reuse and redistribution of unwanted surplus stock, such as clothing and textiles. (See Annex 3 for full details.)

3 Reduce: tackling our throwaway culture (Q1–Q3)

3.1 Section 1 of the consultation paper discussed the Scottish Government’s efforts to begin building an economic system that is not based on items being designed to be disposable.

3.2 The consultation paper set out the Scottish Government’s proposal to include within the Circular Economy Bill a power to enable Scottish Ministers to introduce charges on certain items such as single-use disposable items that are (i) harmful to the environment, (ii) can be replaced with sustainable alternatives, or (iii) are problematic to recycle. In addition, the Scottish Government has proposed that such a charge should be applied to single-use disposable beverage cups as a first priority. This proposal would be in line with a recommendation from the Expert Panel on Environmental Charging and Other Measures (EPECOM).⁵

3.3 The consultation included three questions inviting views on (i) the principle of introducing environmental charging, (ii) introducing a charge on single-use disposable beverage cups, and (iii) whether there are other items that these powers could be applied to in the future.

Question 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 / No / Neither agree nor disagree]

Question 2: Do you agree with the proposal to prioritise introduction of charges for single-use disposable beverage cups? [Yes / No / Neither agree nor disagree]

Question 3: Are there any other items that these new powers for environmental charging should be applied to in the future? [Yes / No / Don’t know] If yes, please specify.

3.4 These three questions were all tick-box questions and the findings are presented in Tables 3.1, 3.2 and 3.3 below. Question 3 included a follow-up question for those who answered ‘yes’ to the tick-box question.

3.5 Respondents often made comments at Question 3 which related to Questions 1 or 2. Any comments relating to the principle of environmental charges (the subject of Question 1) are discussed together with comments at Question 3 below. However, any comments relating specifically to the proposal to prioritise charges for single-use disposable beverage cups are discussed, briefly, after Table 3.2.

A new power to set charges for environmentally harmful items (Q1)

3.6 Question 1 asked respondents if they agreed in principle that Scottish Ministers should have the power to set charges for environmentally harmful items. Table 3.1 below

⁵ Scottish Government (2019) *Report of the Expert Panel on Environmental Charging and Other Measures (EPECOM): Recommendations on Single-use Disposable Beverage Cups*. July 2019. See <https://www.gov.scot/publications/report-expert-panel-environmental-charging-measures-epecom-recommendations-single-use-disposable-beverage-cups-july-2019/>.

shows that a large majority of respondents overall (89%) agreed. Nearly three-quarters of organisations (73%) and almost all individuals (97%) answered ‘yes’ to Question 1. However, 8 out of 12 beverage and vending companies and 5 out of 11 packaging and other manufacturing organisations disagreed.

Table 3.1: Q1 – 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?

Organisation type	Yes		No		Neither agree nor disagree		Total	
	n	%	n	%	n	%	n	%
Environmental charities, third sector and community sector organisations	28	97%	–	0%	1	3%	29	100%
Public sector organisations	24	92%	1	4%	1	4%	26	100%
Food, drink, hospitality, tourism and retail organisations	12	55%	5	23%	5	23%	22	100%
Environmental consultancies & resource management organisations	16	89%	2	11%	–	0%	18	100%
Academic and professional bodies and business representative bodies	9	75%	1	8%	2	17%	12	100%
Packaging and other manufacturing organisations	2	18%	5	45%	4	36%	11	100%
Beverage and vending companies	4	33%	8	67%	–	0%	12	100%
Total organisations	95	73%	22	17%	13	10%	130	100%
Total individuals	261	97%	5	2%	3	1%	269	100%
Total organisations and individuals	356	89%	27	7%	16	4%	399	100%

Percentages may not total 100% due to rounding.

3.7 In addition, 1,244 individuals who submitted responses through the Friends of the Earth Scotland campaign stated that they fully supported the Scottish Government’s proposal to ‘set charges for environmentally harmful items’. It may be inferred that these individuals have answered ‘yes’ to Question 1.

Prioritising charges for single-use disposable beverage cups (Q2)

3.8 Question 2 asked respondents if they agreed with the proposal to prioritise the introduction of charges for single-use disposable beverage cups. Table 3.2 shows that a large majority of respondents overall (82%) were in favour of this. However, organisations were less likely than individuals to have this view (58% of organisations compared with 93% of individuals answered ‘yes’ to Question 2). Among the organisational respondents, half of packaging and other manufacturing organisations (6 out of 12), and all 12 of the beverage and vending companies answered ‘no’ to this question.

Table 3.2: Q2 – Do you agree with the proposal to prioritise introduction of charges for single-use disposable beverage cups?

Organisation type	Yes		No		Neither agree nor disagree		Total	
	n	%	n	%	n	%	n	%
Environmental charities, third sector and community sector organisations	22	76%	–	0%	7	24%	29	100%
Public sector organisations	24	92%	1	4%	1	4%	26	100%
Food, drink, hospitality, tourism and retail organisations	10	43%	9	39%	4	17%	23	100%
Environmental consultancies & resource management organisations	12	67%	1	6%	5	28%	18	100%
Academic and professional bodies and business representative bodies	7	64%	1	9%	3	27%	11	100%
Packaging and other manufacturing organisations	1	8%	6	50%	5	42%	12	100%
Beverage and vending companies	–	0%	12	100%	–	0%	12	100%
Total organisations	76	58%	30	23%	25	19%	131	100%
Total individuals	250	93%	8	3%	10	4%	268	100%
Total organisations and individuals	326	82%	38	10%	35	9%	399	100%

Percentages may not total 100% due to rounding.

3.9 Some respondents made comments at Question 3 in relation to the proposal to prioritise the introduction of environmental charges for single-use disposable cups.

3.10 Among those who were supportive of this proposal, there was a recurring view that single-use beverage cups make up only a tiny fraction of Scotland's waste, and placing environmental charges on them would be 'a drop in the ocean'. In general, this group thought that environmental charges on a much wider range of items and materials should be prioritised. (See Question 3 below.)

3.11 Those who were not supportive of this proposal (mainly packaging and manufacturing organisations; beverage and vending companies; and organisations in the food, drink, hospitality, tourism and restaurant trade sectors) made the following points:

- They did not agree with the description of single-use beverage cups as 'environmentally harmful'. They argued that paper cups are manufactured with sustainable and certified fibre and are fully recyclable.
- According to this group, in most everyday scenarios, a paper cup has the lowest carbon footprint to any alternatives and is always a hygienic choice. These respondents argued that reusable cups would need to be lightweight, used multiple times, and be washed efficiently for them to result in lower greenhouse gas emissions than paper cups. In addition, they would need to be recyclable.

- These respondents said that the proposal to charge for these items neglects to take into account (i) recent ‘big increases’ in the number of recycling return points available for paper cups across the UK, (ii) the large increase in capacity for recycling of paper cups and (iii) growing market demand for the recycled material. The point was made that paper cups can also be composted at some facilities.
- This group wanted any charges on packaging to only be considered after Extended Producer Responsibility (EPR) reform comes into force, and the impact on business of EPR reform has been assessed. They believed there was insufficient detail in the consultation paper about how such a charge would be levied, how it would interact with other environmental measures, how it would be applied equally to all businesses to ensure a level playing field, and how remittances to councils would work in practice.

3.12 In general, this group did not agree that use of disposable paper cups followed a linear consumption pattern, and thus they did not think these items should be a target for environmental charges. They wanted the proposal to charge for disposable paper cups to be fully debated in the Scottish Parliament.

3.13 Some respondents also asked for clarification about whether the intention was to introduce charges only on single-use disposable hot beverage cups (in line with EPECOM’s recommendation), or whether there was also an intention to include single-use disposable cold drinks cups. In relation to the latter, there was a concern raised about the possible health / hygiene implications of filling reusable cups brought in by customers in a quick-service restaurant context.

Other items to which environmental charging should be applied (Q3)

3.14 Question 3 asked respondents if new powers for environmental charging should be applied to any other items in the future. Table 3.3 shows that slightly less than three-quarters of respondents overall (72%) thought they should. Individuals were more likely than organisations to say this (79% vs 59% respectively). Respondents who did not answer ‘yes’ to this question were more likely to say ‘don’t know’ than ‘no’. However, among the organisational respondents, half of packaging and other manufacturing organisations (5 out of 10), and 11 out of 12 beverage and vending companies answered ‘no’ to this question.

Table 3.3: Q3 – Are there any other items that these new powers for environmental charging should be applied to in the future?

Organisation type	Yes		No		Don't know		Total	
	n	%	n	%	n	%	n	%
Environmental charities, third sector and community sector organisations	24	83%	–	0%	5	17%	29	100%
Public sector organisations	21	81%	–	0%	5	19%	26	100%
Food, drink, hospitality, tourism and retail organisations	6	30%	4	20%	10	50%	20	100%
Environmental consultancies & resource management organisations	15	83%	2	11%	1	6%	18	100%

Academic and professional bodies and business representative bodies	6 60%	– 0%	4 40%	10 100%
Packaging and other manufacturing organisations	1 10%	5 50%	4 40%	10 100%
Beverage and vending companies	1 8%	11 92%	– 0%	12 100%
Total organisations	74 59%	22 18%	29 23%	125 100%
Total individuals	204 79%	4 2%	51 20%	259 100%
Total organisations and individuals	278 72%	26 7%	80 21%	384 100%

Percentages may not total 100% due to rounding.

3.15 Respondents answering ‘yes’ to Question 3 were asked to specify the items any new powers for environmental charging should be applied to in the future.

3.16 Altogether, 307 respondents (98 organisations and 209 individuals) provided comments. There are several points to make about the responses:

- The follow-up question was targeted at respondents who had answered ‘yes’ to the closed question. However, some respondents who answered ‘no’ or ‘don’t know’, and some who did not answer the closed question also made comments. These comments are discussed at paragraphs 3.32 and 3.33 below.
- Individuals generally responded to the follow-up question by providing a list of items that new powers of environmental charging should be applied to in the future. Some organisations also provided a list of items but, more often, organisations raised general points about the purpose of environmental charging and how these new powers could be most effectively used. These comments were diverse, and there were different opinions on these matters between and within different organisational groups.
- Some of those commenting at Question 3 discussed the proposal to introduce charges on single-use beverage cups. These comments have already been discussed above (see paragraphs 3.9 to 3.13).

3.17 Respondents’ views about the other items that environmental charging should be applied to in the future are discussed first below.

Other items that environmental charging should be applied to in the future

3.18 Individuals and organisations who answered ‘yes’ to Question 3 identified a wide variety of items – both specific items and more general categories of items – that they thought environmental charging should be applied to.

Specific items suggested for environmental charges

3.19 Among the most common suggestions made by respondents were that charges should be applied to plastic takeaway food containers (including salad and sandwich pre-packed boxes, and any food containers made of polystyrene), disposable cutlery, stirrers

and straws – in other words, items that would be covered by a ban or restrictions when the EU Single Use Plastic Directive is transposed into Scottish Law. Some respondents suggested that environmental charging for these items should be seen as an interim measure before a legislative ban or restrictions come into place.

3.20 Other items mentioned frequently by respondents for environmental charges were:

- Disposable nappies
- Single-use plastic drinks bottles
- Cigarettes
- Throwaway novelty items (free toys with takeaway meals, or conference ‘freebies’)
- Plastic packaging on fruit and vegetables in supermarkets

3.21 In relation to all these items, respondents argued that they are either not recyclable or not necessary, and / or that recyclable, reusable or biodegradable versions existed (for nappies and drinks bottles). In relation to cigarettes, respondents noted that both cigarette butts and packaging contribute substantially to litter and are not recyclable, and in the case of the butts, the plastic filter does not prevent harm from smoking, which is its intended purpose. Those who raised this issue called for cigarette manufacturers to take greater responsibility for addressing the problem of environmental waste from their products.

3.22 A subject raised on a recurring basis by respondents was the amount of waste generated by the building / construction industry. This issue was highlighted by individuals and a range of organisations (including those who said they worked in the construction industry). Respondents considered that the lack of any interventions targeted at this sector was a significant omission in the Scottish Government’s proposals. Respondents called for the Scottish Government to support construction companies and architects in their efforts to reduce the environmental impacts of new building projects. Some thought that environmental charges should extend to the built environment and cover, for example:

- Plastic items such as PVC windows and doors, drainpipes, tiles, floor coverings and insulation materials that will not biodegrade at the end of their useful life.
- New housing on land where (i) there are not high-quality facilities for pedestrians and cyclists, and (ii) there is no access to efficient, public transport infrastructure
- New buildings that are not designed for dismantling and reuse
- New buildings that do not have an embodied energy calculation.

3.23 Finally, respondents suggested that environmental charging could be applied to a wide range of other items. These were numerous and often mentioned by just one or two respondents. Some examples for illustration were: (i) balloons (both helium and air-filled); (ii) non-rechargeable batteries; (iii) disposable razors; (iv) plastic plants and plant pots; and (v) chewing gum.

General categories of items suggested for environmental charges

3.24 Respondents (both organisations and individuals) also repeatedly suggested that environmental charging (or bans) should apply to entire categories of items, including the following examples:

- Anything non-recyclable (including packaging made of mixed materials) or non-reusable
- All single-use plastic and / or all single-use packaging of any material
- Any liquid or solid packaged in a plastic container of less than two litres
- All items made from materials sourced from oil (or fossil carbon) (e.g. fuel, paint, plastics, etc.).

3.25 Some organisational respondents (including some public sector organisations and some respondents from the food and drink, hospitality, tourism and restaurant sectors) noted that some businesses have begun to move to compostable or easily recyclable takeaway containers and cups, rather than plastic or polystyrene. These new types of containers are more expensive than non-recyclable versions, and these respondents suggested that it may be appropriate to consider different levels of charges on different types of packaging.

General points about the purpose and implementation of environmental charges

3.26 Organisations who answered ‘yes’ to Question 3 often explicitly stated that they supported the principle of charges being applied to environmentally harmful items. This group of respondents agreed that Scotland should not allow the use of such materials to continue. They thought the primary purpose of such charges should be to incentivise the use of reusable alternatives – both by businesses and consumers – and that the charges should be sufficient to achieve this. Some respondents commented that environmental charges should not be seen as a way of making money and should not enable those who can afford it to continue to cause environmental harm.

3.27 Among organisations, there were differences in views about the kinds of items that environmental charges should be applied to. The most common view was that charging should apply to single-use, not easily recyclable items, where alternatives were available – as proposed by the Scottish Government. A second view was that **all** single-use material should be considered for charging unless there is a reason why the item must be single-use (for example, for clinical / medical reasons). However, a third view expressed by a range of organisations (both those who answered ‘yes’ and those who answered ‘don’t know’) was that clarification was required (particularly for the purposes of legislation) about what, exactly, constituted ‘single-use’ and ‘environmentally harmful’.

3.28 A fourth view – held by some environmental charities, third sector and community sector groups, and some public sector organisations – was that, rather than identifying individual items for environmental charging (which involved considerable time and resources), a more holistic approach would involve charges on any item (not just single-use and not just plastic) that is environmentally harmful, difficult to recycle, or has a high carbon impact relative to tonnage.⁶ Thus, charging should apply to the whole of the economy, not just to individual single-use items, and should be levied on the items which have the most environmentally damaging impacts. Respondents recognised that this type of approach

⁶ Some environmental charities, third sector and community sector organisations made clear that they would prefer an outright ban on these items, rather than introducing charges for them.

would be complex and may need to be applied at a UK level. However, it might involve, for example:

- Requiring all companies placing products onto the Scottish market to set out the materials and inputs needed to make them so they can be assessed against Section 140 of the Environment Protection Act (1990)⁷
- Prohibiting materials that are environmentally harmful, except in cases of legitimate use (i.e. medical supplies)
- Where alternatives are available but not widely used, setting a target date for prohibition to give the market a clear signal of intent
- Requiring companies to accept back all packaging and all used products – and to explain how those materials will be reused or recycled.

3.29 It was suggested that the Circular Economy Bill should create a framework that allows Scottish Ministers to introduce further charges or bans on additional items in the future (not just on a limited specified set of items) without having to amend legislation (or regulations).

3.30 Organisations often offered suggestions about different aspects of the implementation of environmental charging. For example, there were suggestions that:

- Charges should be specified and not simply rolled into the price of the item – to communicate to the public that there is a charge.
- The income derived from charges should be used to support circular economy measures to reduce material consumption and pollution.
- Charges should reflect the full economic, social and environmental costs of extraction, manufacture, use and disposal – and the full cost of the charge should fall on the supplier, not the consumer.
- Any action to reduce the use of single-use items (including environmental charging) needs to go hand-in-hand with requirements on manufacturers / producers to design products that can be easily recycled. Action will be needed to prevent producers switching to alternative packaging that is less recyclable than plastic. It was suggested that this should be addressed in a reformed EPR scheme.
- The Scottish Government should work with local authorities to encourage start-up firms and existing packaging manufacturers to move to more sustainable practices.
- The Scottish Government should work with industry to obtain a thorough understanding of the feasibility and timings of finding alternative packaging solutions before introducing any new environmental charges (beyond those proposed for single-use beverage cups).

⁷ This gives devolved administrations the power to prohibit or restrict the importation, use, supply or storage of injurious substances or articles and was used as the basis for introducing regulations to ban microbeads and cotton buds in Scotland.

- Decisions about implementation and / or future priority items should be based on sound research, full impact assessment and life cycle analysis.

3.31 Organisations made a range of suggestions for other policy actions that would help to tackle the throwaway culture in Scotland. These suggestions did not specifically involve the use of environmental charging, and are discussed in Chapter 9, in relation to Question 22.

Views of respondents who did NOT answer 'yes' to Question 3

3.32 Around a third of respondents did not answer 'yes' to Question 3. These respondents either answered 'no' or 'don't know', or they made comments without answering the closed question. This group mainly comprised organisations with a business / industry perspective – i.e. beverage and vending companies; food, drink, hospitality, tourism and restaurant trade organisations; and packaging manufacturers and other manufacturing organisations. This group also included some public sector organisations.

3.33 Some of these respondents (especially those who answered 'no') expressed concerns or queried aspects of the implementation of environmental charging and / or the proposal to put an environmental charge on single-use beverage cups in particular. Others made more general comments about the proposals set out in the consultation paper. Additional main points made by this group in relation to Question 3 were that:

- Assuming that single-use beverage cups are prioritised, no additional items should be considered for environmental charging until there is robust evidence that such charges are effective at driving changes in consumer behaviour.
- The focus for any future charges should be on non-recyclable / hard-to-recycle items rather than items which are 'single-use' but can be recycled. Items which are infinitely recyclable (glass and aluminium) should not be included in any environmental charging scheme.

4 Reuse: encouraging use and reuse to prevent waste (Q4–Q7)

4.1 Section 2 of the consultation paper discussed the importance of improving monitoring, measurement and reporting of waste across all sectors of the Scottish economy – not just within the recycling and waste management sector. The point was made that, by obtaining a clearer idea about the type and quantities of waste being generated, measures to deal with waste can be targeted more effectively. The consultation paper highlighted the commitment that Scotland has made to work with other UK countries to develop electronic systems to record waste data. At the same time, it pointed out that there is a need for greater transparency in key sectors – such as the food and textile retail and manufacturing sectors – about the production of unwanted stock and waste.

4.2 The consultation laid out proposals for the introduction of a power to enable Scottish Ministers to require mandatory public reporting of unwanted surplus stock and waste of certain materials by Scottish businesses. The initial priority for subsequent secondary legislation (following further consultation) would be to introduce reporting on food surplus and waste. However, the Scottish Government also wished to explore whether this requirement should also be applied to textiles and, potentially, other waste streams. The consultation included four questions on this issue, as follows.

Question 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:

- (i) Business waste? [Yes / No / Neither agree nor disagree]
- (ii) Business surplus? [Yes / No / Neither agree nor disagree]

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

- (i) Food waste? [Yes / No / Neither agree nor disagree]
- (ii) Food surplus? [Yes / No / Neither agree nor disagree]

Question 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 / No / Don't know] If yes, please specify.

Question 7: Do you have any suggestions on how to encourage the reuse and redistribution of unwanted surplus stock, such as clothing and textiles? [Yes / No / Don't know] If yes, please specify.

4.3 Questions 4 and 5 were multi-part closed questions, and the findings are presented in Tables 4.1, 4.2, 4.3 and 4.4 below. Questions 6 and 7 both included a follow-up question for those who answered 'yes' to the tick-box question.

4.4 Note that some organisations provided comments at Question 6 which discussed the principle and practical aspects of introducing mandatory public reporting of business waste

and surplus and / or food waste and surplus. These comments have been summarised briefly following the findings for Question 5 (at paragraph 4.11 below).

Mandatory public reporting of business waste (Q4(i))

4.5 Question 4(i) asked respondents if they agreed that Scottish Ministers should have the power to require mandatory public reporting of business waste. Table 4.1 shows that a large majority of respondents (93%) were in favour. There was a similar pattern of response among organisations (88% said ‘yes’) and individuals (96% said ‘yes’). Food, drink, hospitality, tourism and retail organisations were less likely than other organisations to answer ‘yes’ to this question. However, in general, respondents who did not answer ‘yes’ were more likely to answer ‘neither agree nor disagree’ rather than ‘no’ at Question 4(i).

Table 4.1: Q4(i) – Do you agree with the principle that Scottish Ministers should have the power to require mandatory public reporting of business waste?

Organisation type	Yes		No		Neither agree nor disagree		Total	
	n	%	n	%	n	%	n	%
Environmental charities, third sector and community sector organisations	28	100%	–	0%	–	0%	28	100%
Public sector organisations	25	96%	–	0%	1	4%	26	100%
Food, drink, hospitality, tourism and retail organisations	11	50%	3	14%	8	36%	22	100%
Environmental consultancies & resource management organisations	17	94%	1	6%	–	0%	18	100%
Academic and professional bodies and business representative bodies	8	89%	–	0%	1	11%	9	100%
Packaging and other manufacturing organisations	9	90%	–	0%	1	10%	10	100%
Beverage and vending companies	12	100%	–	0%	–	0%	12	100%
Total organisations	110	88%	4	3%	11	9%	125	100%
Total individuals	256	96%	3	1%	8	3%	267	100%
Total organisations and individuals	366	93%	7	2%	19	5%	392	100%

Percentages may not total 100% due to rounding.

4.6 In addition, 1,244 individuals who submitted responses through the Friends of the Earth Scotland campaign stated that they fully supported the Scottish Government’s proposal to ‘require mandatory public reporting of business waste’. It may be inferred that these individuals have answered ‘yes’ to Question 4(i).

Mandatory public reporting of business surplus (Q4(ii))

4.7 Question 4(ii) asked respondents if they agreed that Scottish Ministers should have the power to require mandatory public reporting of business surplus. Table 4.2 shows that a large majority of respondents (87%) were in favour. There was a similar pattern of response among organisations (81% said ‘yes’) and individuals (90% said ‘yes’). Among organisations (i) food, drink, hospitality, tourism and retail organisations and (ii) packaging and other manufacturing organisations were less likely than others to answer ‘yes’. However, in general, respondents who did not answer ‘yes’ were more likely to answer ‘neither agree nor disagree’ rather than ‘no’ at Question 4(ii).

Table 4.2: Q4(ii) – Do you agree with the principle that Scottish Ministers should have the power to require mandatory public reporting of business surplus?

Organisation type	Yes		No		Neither agree nor disagree		Total	
	n	%	n	%	n	%	n	%
Environmental charities, third sector and community sector organisations	27	96%	–	0%	1	4%	28	100%
Public sector organisations	22	85%	1	4%	3	12%	26	100%
Food, drink, hospitality, tourism and retail organisations	10	45%	3	14%	9	41%	22	100%
Environmental consultancies & resource management organisations	16	89%	2	11%	–	0%	18	100%
Academic and professional bodies and business representative bodies	8	89%	–	0%	1	11%	9	100%
Packaging and other manufacturing organisations	6	60%	2	20%	2	20%	10	100%
Beverage and vending companies	12	100%	–	0%	–	0%	12	100%
Total organisations	101	81%	8	6%	16	13%	125	100%
Total individuals	241	90%	7	3%	19	7%	267	100%
Total organisations and individuals	342	87%	15	4%	35	9%	392	100%

Percentages may not total 100% due to rounding.

4.8 In addition, 1,244 individuals who submitted responses through the Friends of the Earth Scotland campaign stated that they fully supported the Scottish Government’s proposal to ‘require mandatory public reporting of business surplus’. It may be inferred that these individuals have answered ‘yes’ to Question 4(ii).

Mandatory public reporting of food waste (Q5(i))

4.9 Question 5(i) asked respondents if they agreed with the principle that Scottish Ministers should have the power to require public reporting of food waste. Table 4.3 shows

that the vast majority of respondents (91%) did so. There was a similar pattern of response among organisations (83% answered ‘yes’) and individuals (94% answered ‘yes’). Food, drink, hospitality, tourism and retail organisations were less likely than other organisations to answer ‘yes’ to this question. However, in general, respondents who did not answer ‘yes’ were more likely to answer ‘neither agree nor disagree’ rather than ‘no’ at Question 5(i).

Table 4.3: Q5(i) – Do you agree with the principle that Scottish Ministers should have the power to require mandatory public reporting of food waste?

Organisation type	Yes		No		Neither agree nor disagree		Total	
	n	%	n	%	n	%	n	%
Environmental charities, third sector and community sector organisations	26	93%	–	0%	2	7%	28	100%
Public sector organisations	23	88%	1	4%	2	8%	26	100%
Food, drink, hospitality, tourism and retail organisations	11	48%	3	13%	9	39%	23	100%
Environmental consultancies & resource management organisations	17	94%	1	6%	–	0%	18	100%
Academic and professional bodies and business representative bodies	10	100%	–	0%	–	0%	10	100%
Packaging and other manufacturing organisations	8	80%	–	0%	2	20%	10	100%
Beverage and vending companies	11	92%	–	0%	1	8%	12	100%
Total organisations	106	83%	5	4%	16	13%	127	100%
Total individuals	253	94%	7	3%	8	3%	268	100%
Total organisations and individuals	359	91%	12	3%	24	6%	395	100%

Percentages may not total 100% due to rounding.

Mandatory public reporting of food surplus (Q5(ii))

4.10 Question 5(ii) asked respondents if they agreed with the principle that Scottish Ministers should have the power to require mandatory public reporting of food surplus. Table 4.4 shows that a large majority of respondents (89%) did support this principle. There was a similar pattern of response among organisations (81% said ‘yes’) and individuals (93% said ‘yes’). Among organisations (i) food, drink, hospitality, tourism and retail organisations and (ii) packaging and other manufacturing organisations were less likely than others to answer ‘yes’. However, in general, respondents who did not answer ‘yes’ were more likely to answer ‘neither agree nor disagree’ rather than ‘no’ at Question 5(ii).

Table 4.4: Q5(ii) – Do you agree with the principle that Scottish Ministers should have the power to require mandatory public reporting of food surplus?

Organisation type	Yes		No		Neither agree nor disagree		Total	
	n	%	n	%	n	%	n	%
Environmental charities, third sector and community sector organisations	26	93%	1	4%	1	4%	28	100%
Public sector organisations	20	80%	1	4%	4	16%	25	100%
Food, drink, hospitality, tourism and retail organisations	13	57%	3	13%	7	30%	23	100%
Environmental consultancies & resource management organisations	16	89%	2	11%	–	0%	18	100%
Academic and professional bodies and business representative bodies	10	100%	–	0%	–	0%	10	100%
Packaging and other manufacturing organisations	6	60%	1	10%	3	30%	10	100%
Beverage and vending companies	11	92%		0%	1	8%	12	100%
Total organisations	102	81%	8	6%	16	13%	126	100%
Total individuals	247	93%	7	3%	13	5%	267	100%
Total organisations and individuals	349	89%	15	4%	29	7%	393	100%

Percentages may not total 100% due to rounding.

Views on the principle and practical aspects of mandatory public reporting

4.11 A range of organisations (though generally not environmental charities, third sector or community organisations) made comments at Question 6 (below) which related to Questions 4 and 5. In general, regardless of whether they answered ‘yes’, ‘no’, or ‘neither agree nor disagree’ in response to the closed questions, this group highlighted practical considerations relating to the implementation of these proposals. However, very occasionally, they described the proposals as potentially onerous and / or expressed concerns. This latter view came from a small number of organisations in the food, drink, hospitality, tourism and retail sectors. Both these views are summarised briefly here.

Practical considerations relating to implementation of mandatory public reporting

4.12 Organisations made the following points regarding the implementation of the proposals.

- Areas for clarity: Organisations wanted further information about (i) exactly how this reporting would be undertaken, (ii) how the data will be analysed, (iii) what, if any, new technology would be required to make this possible, and (iv) what the information will be used for. Those who raised these issues argued that careful consideration would need to be given to how the reporting would be carried out to

ensure that the data are robust and useful. There was a question about how mandatory reporting of food waste would account for inedible waste arising from food and drink processing (e.g. shells, bones, or vegetable peelings). There was also a separate request for clarity about whether the proposed mandatory reporting requirements were intended to be met by producers / the business sector, or by local authorities.

- **Definitions:** Some organisations asked for clearer information about the definition of 'surplus' and how this would be measured in different kinds of businesses. Will it be weighed or estimated by businesses? In addition, the concept of surplus may only apply in certain kinds of business (i.e. food surplus is likely to only occur in food and drink or retail sectors), and surpluses may be relatively easy to measure in some businesses but very difficult to measure in others.
- **Burden on businesses:** Respondents wanted the Scottish Government to consider the burden any additional requirements would place on businesses and the assistance / resources they may need to meet the requirement. There was a suggestion that any new reporting requirements should be introduced in a staged way to allow lessons to be learned before full implementation.
- **Burden on small businesses:** Some respondents queried how mandatory reporting arrangements would work for small businesses, in particular. It was suggested that some small businesses would find this difficult, and that there should be exclusions for companies below a certain size. There was also a suggestion that more cost-effective options for disposing of waste should be made available to all businesses, but especially small businesses in remote rural communities.
- **Consistency and alignment across the UK:** Some organisations emphasised that, in the interests of efficiency, a common reporting system should be used across the UK. Those who raised this issue called on the Scottish Government to work with DEFRA and the relevant offices in other devolved administrations. There were also suggestions that any requirement for additional reporting should be incorporated into existing reporting systems (relating to the provisions of the Waste (Scotland) Regulations 2012), rather than creating a new reporting scheme / method.
- **Potential conflicts of interest:** It was noted that, while public reporting of business / food waste and surplus could be useful, there may be cases where this requirement would clash with legal and commercial requirements that companies must adhere to. However, further details of these requirements were not provided.

4.13 A small number of organisations made links between these proposals and other existing legislation and reporting systems. It was suggested that other current legislation may need to be amended for these proposals to be implemented. Specific mention was made of legislation relating to animal by-products and food safety. The point was also made that while local authorities have provided assistance to businesses to enable and encourage compliance with the Waste (Scotland) Regulations 2012, there has been no enforcement. There was also a view that SEPA's WasteDataFlow reporting system can be difficult to use.

Opposition to mandatory public reporting

4.14 A small number of organisations voiced opposition to the principle of mandatory public reporting of business surplus. These organisations were in the food, drink, hospitality, tourism and retail sectors. This group highlighted the same points discussed above in relation to the importance of having consistent reporting systems throughout the UK and considering the burden these new requirements would place on businesses.

Future extension of mandatory reporting requirements (Q6)

4.15 Question 6 asked respondents if they thought mandatory reporting requirements for waste and surplus should be extended to include other items in the future, such as textiles and clothing. Table 4.5 shows that around three-quarters of respondents overall (72%) said 'yes'. Individuals (77%) were more likely than organisations (59%) to say this. Among organisations, (i) food, drink, hospitality, tourism and retail organisations (ii) packaging and other manufacturing organisations and (iii) beverage and vending companies were less likely than others to answer 'yes' to Question 6. However, in general, respondents who did not answer 'yes' to this question were more likely to answer 'don't know' rather than 'no'.

Table 4.5: Q6 – 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?

Organisation type	Yes		No		Don't know		Total	
	n	%	n	%	n	%	n	%
Environmental charities, third sector and community sector organisations	25	89%	–	0%	3	11%	28	100%
Public sector organisations	17	68%	1	4%	7	28%	25	100%
Food, drink, hospitality, tourism and retail organisations	7	37%	2	11%	10	53%	19	100%
Environmental consultancies & resource management organisations	14	82%	1	6%	2	12%	17	100%
Academic and professional bodies and business representative bodies	6	67%	–	0%	3	33%	9	100%
Packaging and other manufacturing organisations	2	20%	–	0%	8	80%	10	100%
Beverage and vending companies	–	0%	–	0%	12	100%	12	100%
Total organisations	71	59%	4	3%	45	38%	120	100%
Total individuals	204	77%	7	3%	53	20%	264	100%
Total organisations and individuals	275	72%	11	3%	98	26%	384	100%

Percentages may not total 100% due to rounding.

4.16 Respondents answering 'yes' to Question 6 were asked in a follow-up question to specify which other items they thought mandatory reporting requirements should be

expanded to in the future. Altogether, 275 respondents (82 organisations and 193 individuals) provided further comments.

4.17 Among those who answered 'yes', comments focused on (i) the items that mandatory reporting requirements should be expanded to and (ii) the sectors that mandatory reporting requirements should be expanded to. Both these topics are discussed below.

4.18 Note that some respondents made comments at Question 6 relating to the principle or practical aspects of recording business waste and / or surplus, and on food waste / surplus, in particular. This group included some who answered 'no' or 'don't know'. These comments have been covered briefly above in relation to Questions 4 and 5.

Other items that mandatory reporting should be expanded to in the future

4.19 There was general agreement, both among organisations and individuals, that mandatory reporting requirements should be expanded to cover textiles and clothing surplus and waste in the future, with respondents making the following points.

- Some argued that the growth of 'fast fashion' (where clothing is seen as cheap and disposable) creates a clear environmental imperative to monitor and regulate what happens to surplus and waste textiles. A recurring view was that the fast fashion industry is based on a linear business model which promotes overconsumption and generates excessive waste, including plastic waste. Respondents also highlighted the ethical issues of poor working conditions of those employed in these industries.
- Some noted a specific aspect of the fast fashion industry – i.e. the very high level of returns relating to online clothes shopping, encouraged by the availability of free delivery and returns. It was estimated that the cost of handling returns is between £20 and £30 per order. It was suggested that retailers therefore have little incentive to try to resell returned items and consign them to landfill instead.
- While respondents acknowledged that some clothing retailers currently pass all unsold stock on to charities or other organisations for resale, there was a widespread view that this does not happen across the sector. Rather, some respondents cited published evidence or their own experiences of working in retail which indicated that too many clothing retailers destroy or incinerate unsold stock. It was suggested that Scotland should consider adopting the EU requirement to collect textile waste separately and divert it away from landfill or incineration.
- Some respondents commented on the definition of 'textiles'. Most commonly, they thought this should cover clothing, footwear, mattresses, and all soft furnishings (e.g. curtains, carpets and other composite textiles, rugs, etc.). Less commonly, there were suggestions that the definition should also cover car seats and bags.
- There were suggestions that all textiles (some respondents said 'all items') sold in Scotland should carry a label or 'digitised passport' advising consumers where its component parts have come from, what percentage of the item is recyclable and what action consumers can take to recycle it.

4.20 In addition to placing new reporting requirements on businesses, respondents also said there is a need to change attitudes in a society described as having been 'brainwashed' into consuming too much.

4.21 Other items frequently identified by respondents for future mandatory reporting were:

- Building materials, construction waste and construction site personal protection equipment
- Chemicals (including paints, varnishes, fertilisers, pesticides and herbicides and fuel)
- Electrical equipment (e.g. IT equipment, televisions, radios, mobile phones, headphones, chargers, household appliances, tools, cables, etc.)
- Furniture (domestic and office)
- Man-made floor coverings (e.g. lino, composite materials).

4.22 Items mentioned less often included surplus or waste relating to:

- Bioresources (from agriculture, forestry, fishing and aquaculture industries)
- Books
- Bubble wrap and polystyrene
- Charity shop / jumble sale items.
- Christmas, Halloween, Easter and other seasonal decorations
- Cosmetics, hair and beauty products
- Costume jewellery
- Lighting
- Medical equipment
- Metals
- Pet food
- Seasonal bedding plants
- Stationery / greeting cards / paper / cardboard / magazines / 'junk mail'
- Storage containers, shelving, clothes hangers
- Toys
- Vehicles (e.g. cars, motorcycles, vans, trucks, etc.)

4.23 It was also very common for respondents (particularly individuals) to make general statements about the types of materials that should be considered for future mandatory surplus / waste reporting – rather than (or in addition to) identifying individual items. For example:

- All waste from all sectors / anything thrown in a bin
- Anything with a high carbon footprint
- Everything.

Other sectors where mandatory reporting requirements should be introduced

4.24 Respondents also specifically mentioned certain industries or sectors of the economy where they thought that mandatory reporting should be introduced in relation to surplus and waste. These were in relation to construction,⁸ hospitality, agriculture, horticulture, fishing / aquaculture, healthcare (including pharmacological and medical),⁹ online retail, energy (including nuclear energy), and petrochemical manufacturing. More generally, there was a suggestion that mandatory reporting should start with those sectors that have the highest life cycle environmental and social costs, and those with the highest reuse potential.

Ways of encouraging reuse and redistribution of surplus stock (Q7)

4.25 Question 7 asked respondents if they had any suggestions about how to encourage the reuse and redistribution of unwanted surplus stock, such as clothing and textiles. Altogether, 302 respondents (90 organisations and 212 individuals) provided comments. Respondents' suggestions are discussed first below, followed by other relevant points raised in the comments.

Suggestions for encouraging the reuse and redistribution of unwanted surplus stock

4.26 Organisations and individuals made a range of suggestions about how to encourage the reuse and redistribution of unwanted surplus stock. Most of these related to (i) possible mechanisms for facilitating reuse / redistribution of surplus stock, (ii) the types of organisations / groups that could receive redistributed surplus stock, and (iii) the potential challenges of redistributing surplus (or used) stock for certain types of materials. These three main themes are discussed below.

Mechanisms to support redistribution

4.27 Both organisations and individuals highlighted four main mechanisms for encouraging / facilitating reuse and redistribution of surplus stock: (i) legislation, (ii) 'brokerage', (iii) financial incentives (and disincentives), and (iv) Extended Producer Responsibility (EPR). Each of these are discussed below.

- **Legislation:** Organisations and individuals thought there should be a legal ban on retailers sending unsold stock to incineration or landfill. Respondents frequently pointed to France where such a ban has been introduced in relation to unsold clothing. However, respondents wanted such a ban in Scotland to have wider application and apply to any items that had the potential to be reused, repaired or recycled.
- **Brokerage:** Organisations and individuals also frequently advocated the development and fostering of new (or existing) partnerships between businesses and local reuse

⁸ Reference was made to circular construction strategies published by the World Green Building Council (<https://www.worldgbc.org/embodied-carbon>) and the Netherlands Circular Economy package (page 58 onwards), (https://www.government.nl/binaries/government/documents/policy-notes/2016/09/14/a-circular-economy-in-the-netherlands-by-2050/17037+Circulaire+Economie_EN.PDF).

⁹ In relation to the healthcare sector, it was reported that there is a culture of excessive levels of waste because of the reliance on single-use items for infection control. However, the point was made that it is unnecessary, for example, to use disposable gowns for x-rays or a separate medicine cup for every tablet, or to dispose of expensive splints which could be sanitised.

networks. Respondents suggested that a national (or local) 'brokerage service' could provide information to help in making connections between material surpluses in one business and the demand for that material from other industries or businesses. This type of service could take the form of a publicly available database of surplus stock (and waste) that enables potential users of this resource to be made aware of it. Examples of similar brokerage services were identified, including Olio (for surplus food)¹⁰ and Warpit (for a range of resources).¹¹

- Financial incentives: Some organisations suggested that there should be financial incentives to pass on waste stock to other producers, and financial disincentives for retailers to dispose of waste stock inappropriately. There were suggestions that the VAT system could potentially be used in this way. Similarly, respondents thought there should be greater incentives for and investments in enterprises that reuse or recycle materials.
- Extended Producer Responsibility (EPR): Organisations often suggested that the EPR scheme should be extended to cover a much wider range of materials than it does at present including, but not limited to, clothing and textiles. Respondents thought the use of this type of mechanism should be consistent across the UK.

4.28 Other mechanisms for encouraging reuse and redistribution, mentioned less often, included: (i) introducing a 'reuse donation' option at all local authority recycling centres, (ii) developing voluntary agreements with producers / retailers to redistribute surplus stock, and (iii) supporting businesses to rebrand their surplus stock for sale in international markets. Regarding the last point, it was noted that some companies have reservations about the effect on their brand image of re-selling products at cheaper prices, and so might prefer to re-label their products in these circumstances.

The types of organisations / groups that could receive unused surplus stock

4.29 There was a general consensus among organisations and individuals about the kinds of organisations or groups that could receive unused surplus stock, including used clothing / textiles.

4.30 The most common suggestion was that it should be donated to charity shops, community projects or other third sector organisations that sell or use clothing and textiles for creative / upcycling projects. Some such groups, mentioned by name, were the Revolve Network,¹² the Community Resources Network Scotland (CRNS),¹³ Mary's Living and Giving shops,¹⁴ and R:evolve Recycle.¹⁵

4.31 Other more general suggestions mentioned frequently were: (i) clothing banks (i.e. foodbanks for clothes), (ii) hostels, soup kitchens, and charities for refugees and people who are homeless, and (iii) recipients of benefits (e.g. through the Scottish Welfare Fund).

¹⁰ <https://olioex.com/>

¹¹ <https://www.warp-it.co.uk/>

¹² <https://www.zerowastescotland.org.uk/revolve>

¹³ <http://crns.org.uk/>

¹⁴ <https://www.savethechildren.org.uk/shop/marys-living-and-giving-shops>

¹⁵ <http://www.revolve-recycle.co.uk/>

Less often, respondents suggested that surplus clothing / textiles could be redistributed for use in higher education or further education fashion / textile departments, or in hydrothermal carbonisation applications (i.e. energy production).

4.32 In relation to food redistribution, it was suggested that community projects that work according to Dignity Principles (e.g. Community Larders and Community Meals) should be preferred over those who use the more dominant handout model.¹⁶

4.33 There was, however, also a caveat voiced by some respondents in relation to the redistribution of clothing and other textiles to charities. The point was made that this can have unintended consequences. Some respondents commented that a very large proportion of donated clothing (from around the world) ends up in Africa. This can have a negative impact on textile industries in emerging economies and has led to some African countries banning the import of second-hand clothing. It was suggested that care needs to be taken in the management of redistribution.

Potential challenges of redistributing surplus (or used) stock for certain types of materials

4.34 Occasionally, respondents highlighted practical challenges in arranging for the redistribution of certain kinds of products or materials – specifically branded clothing / uniforms and surplus unsold food.

4.35 With respect to branded clothing / uniforms, respondents highlighted security concerns in relation to the redistribution of such items, given the potential for individuals to pose fraudulently as an employee of a company / organisation for criminal purposes. There was a suggestion that a networked service carrying out brand removal from donated company clothing should be established. It was noted that some public bodies can access the Defence Equipment Sales Authority (DESA) where used uniforms can be processed for resale / reuse.

4.36 With respect to the redistribution of food, some respondents highlighted hygiene / health challenges – particularly with respect to food (e.g. chicken) that has already been cooked. However, others described successful food redistribution schemes. It was noted that companies like Food Donation Connection¹⁷ and charities like FareShare¹⁸ have expertise in locating organisations that can safely use surplus food, arranging transit and mitigating legal and hygiene risks. However, the provision of such schemes is geographically patchy, and the irregular availability of food waste presents logistical challenges.

¹⁶ See Scottish Government (2016) *Dignity: Ending hunger together in Scotland*. Report of the independent working group on food poverty, June 2016. The four principles that should guide a dignified response to food insecurity are: (i) involve in decision making people with direct experience, (ii) recognise the social value of food, (iii) give people opportunities to contribute, and (iv) leave people with the power to choose. See <https://www.gov.scot/publications/dignity-ending-hunger-together-scotland-report-independent-working-group-food/>.

¹⁷ <https://www.foodtodonate.com/>

¹⁸ <https://fareshare.org.uk/>

Other points relevant to reuse and redistribution of unwanted surplus stock

4.37 In addition to the topics discussed above, respondents made a range of other points in their comments at Question 7. Those mentioned most often were the following.

- Respondents repeatedly argued that retailers and manufacturers should take action not only to enable the redistribution of unused surplus stock but, more importantly, in their view, to reduce production so that surplus stock is not created in the first place. This view was particularly common among environmental charities, third sector and community groups, and individual respondents. Some respondents suggested that manufacturers and retailers should be encouraged to develop a 'lend and lease' business model, rather than requiring products to be purchased in all cases.
- In addition to putting in place systems for reporting business surplus and waste, respondents suggested there should also be systems to track the reuse of materials / products that have been redistributed.
- Finally, some respondents made the point that government can only do so much. What is needed is 'cultural change', and more efforts should focus on persuading people that it is 'uncool' to throw things away.

5 Recycle: maximising the value of materials (Q8–Q12)

5.1 Section 3 of the consultation paper discussed actions taken by the Scottish Government and local authorities to-date to improve recycling rates in Scotland. However, the consultation paper noted that, while household recycling rates have improved significantly over time, overall progress on recycling is not what it needs to be if Scotland is to meet its recycling targets and secure the high quality recyclate needed to attract reprocessing capacity to Scotland. There are ongoing problems with contamination of household recycling collections, meaning that some of the material collected is not being recycled. There is also local variation in household waste recycling performance, and concerns about variation in approaches to recycling across Scotland, resulting in confusion among householders about what can be recycled.

5.2 To address these issues, the Scottish Government is proposing a move away from the current voluntary approach of Scotland's Household Recycling Charter towards a more mandated approach.¹⁹ This would enable Ministers to place further requirements on local authorities regarding household collection services, which could include, for example, placing aspects of the Charter and its supporting Code of Practice on a statutory footing, specifying materials to be targeted for collection or mandating how they are collected. The consultation included five questions on this issue.

¹⁹ Information about the Scottish Household Recycling Charter and its accompanying Code of Practice are available at <https://www.zerowastescotland.org.uk/content/charter-household-recycling>.

Question 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 / No / Neither agree nor disagree] If yes, what should these 'additional requirements' be?

Question 9: Do you agree with the principle of greater consistency in household recycling collections in different local authority areas? [Yes / No / Neither agree nor disagree]

Question 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 / No / Don't know]

Question 11: Do you consider that householders' existing obligations are sufficient? [Yes / No / Don't know]

Question 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 / No / Don't know] If yes, please specify.

Local authority requirements regarding household recycling (Q8)

5.3 Question 8 asked respondents if they agreed with the principle of Scottish Ministers placing additional requirements on local authorities to increase household recycling. Table 5.1 shows that a large majority of respondents (80%) supported this principle. Individuals (88%) were more likely than organisations (65%) to have this view. However, among organisations, those in the public sector were more likely than other organisations to answer 'no' in response to Question 8. While around 1 in 10 (12%) of organisations overall said 'no', the proportion was nearly 4 out of 10 (38%) among public sector organisations.

Table 5.1: Q8 – 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?

Organisation type	Yes		No		Neither agree nor disagree		Total	
	n	%	n	%	n	%	n	%
Environmental charities, third sector and community sector organisations	25	89%	–	0%	3	11%	28	100%
Public sector organisations	11	42%	10	38%	5	19%	26	100%
Food, drink, hospitality, tourism and retail organisations	13	68%	1	5%	5	26%	19	100%
Environmental consultancies & resource management organisations	16	94%	1	6%	–	0%	17	100%

Academic and professional bodies and business representative bodies	8 73%	– 0%	3 27%	11 100%
Packaging and other manufacturing organisations	8 62%	3 23%	2 15%	13 100%
Beverage and vending companies	1 8%	– 0%	11 92%	12 100%
Total organisations	82 65%	15 12%	29 23%	126 100%
Total individuals	233 88%	17 6%	16 6%	266 100%
Total organisations and individuals	315 80%	32 8%	45 11%	392 100%

Percentages may not total 100% due to rounding.

5.4 In addition, 1,244 individuals who submitted responses through the Friends of the Earth Scotland campaign stated that they fully supported the Scottish Government’s proposal to ‘place additional requirements on local authorities and individuals to increase rates and quality of recycling of household items’. It may be inferred that these individuals have answered ‘yes’ to Question 8.

5.5 It is worth noting that there was a lack of consensus on this question among local authority respondents (included in the public sector category in Table 5.1 above). Nine local authorities answered ‘yes’, ten answered ‘no’, and two answered ‘neither agree nor disagree’. One further local authority did not answer the closed question but offered comments. This respondent said that they supported the principle but thought that there were more effective ways to increase the quantity and quality of household recycling than placing additional requirement on local authorities; they said they wanted further detail about the proposal before they could answer.

5.6 Question 8 included a follow-up question: If yes, what should these ‘additional requirements’ be? Altogether, 270 respondents (89 organisations and 181 individuals) provided further comments. Although the follow-up question was directed to those who supported the principle of placing additional requirements on local authorities in relation to recycling, respondents who answered ‘no’ or ‘neither agree nor disagree’ also offered their views. These are discussed below – after the views of those supporting the principle.

Suggestions for ‘additional requirements’ that could be placed on local authorities

5.7 Those in favour of placing additional requirements on local authorities in relation to household recycling made a wide range of suggestions about what these additional requirements could involve. These related to six main topics: (i) better public engagement, education and communication, (ii) improving recycling systems and infrastructure, (iii) collecting a wider range of materials, (iv) improving the quality of recycle, (v) expanding processing capacity, and (vi) monitoring / reporting progress. Each of these topics were raised by organisations and individuals. Some respondents discussed just one of these issues; others discussed several of them. The topics raised most often were in relation to better public engagement, education and communication; improving access to recycling facilities; and funding for local authorities.

5.8 All six of the topics are discussed briefly below.

Better public engagement / communication

5.9 Respondents thought local authorities should engage in better and more frequent communication with householders, businesses and the wider public in relation to recycling. Specifically, they saw a need to address householder and business confusion about what can and cannot be recycled. This group called for 'sustained communication and education' at both a national and local level (including in schools), as part of a nationwide public education strategy. The point was made that 'if the comms are not correct, then all the investment in infrastructure will be wasted'. Some respondents went further and directly attributed the lack of improvement in both the quality and quantity of recycle in recent years to a lack of funding for local authorities for public communication.

5.10 In terms of the messages that need to be communicated, respondents thought householders and businesses needed to be better informed about the options available to them both for recycling **and** for reusing; and about what constitutes 'contamination', why this needs to be avoided, and how to avoid it.

5.11 Respondents suggested that engagement with the public should be simplified (using videos, pictures and social media where possible) and made more positive. They argued that people want to know why they are being asked to recycle, what happens to the material they recycle, and how that benefits their communities, rather than simply being told when their bins will be uplifted. There was a recurring view (and some respondents cited evidence and personal experience) that many members of the public believe that waste collected for recycling often ends up in landfill. This belief was seen to be undermining efforts to improve recycling rates; respondents thought it should be counteracted with better information about where local waste is recycled, and what the recycled material is used for.

5.12 More generally, in relation to the issue of public engagement / communication, organisations and individuals repeatedly stated that greater consistency between councils in terms of what was recycled was important to avoid confusion among householders, businesses and members of the public.

5.13 Individuals were more likely than organisations to highlight the importance of better, more consistent labelling on packaging, so that householders knew what was recyclable and what wasn't. Some individuals also made very specific suggestions about how to improve public engagement with recycling. Examples included (i) education officers going door to door so that people have the opportunity to ask questions; (ii) the introduction of local 'champions' to support neighbourhood recycling; (iii) providing stickers for bins with pictures of permitted materials; (iv) providing assistance to elderly, disabled or 'busy households' in sorting their recycling. Individuals cautioned against assuming that 'everyone is computer literate or has access to the internet from home'.

Improving recycling systems and infrastructure

5.14 Respondents thought local authorities should be required to take action to expand access to recycling facilities. Suggestions about ways in which this could be done included:

- More frequent collections of a wider range of materials

- More local recycling centres (including in rural areas)
- More frequent uplift of bottle banks so that residents do not have to travel to find a bottle bank with space for their bottles
- A review of on-street recycling in areas where there are shared bins to identify ways of improving infrastructure for communal recycling in cities
- Improved on-the-go recycling, including more consistent, easily recognisable recycling bins in towns and cities and in all public buildings
- Better support and systems for recycling at certain times of year (e.g. August in Edinburgh) and in areas where short-term lets and tourism are important to the local economy
- Better support to recycle larger items including lower charges for collection of these items (said to be important to prevent fly-tipping)
- Extended opening times for recycling centres (e.g. Sunday opening)
- Good waste management principles to be incorporated into new build and redevelopment projects at the planning stage.

Collecting a wider range of materials

5.15 Respondents often suggested that household recycling should be expanded to enable collection of a wider range of materials in all local authority areas. The materials suggested most often were clothing, shoes, textiles more generally, aluminium foil, batteries (including portable lithium-ion batteries), small electronics, food waste, garden waste, drinks cartons, paper cups and a wider range of plastics.

5.16 However, there was also a suggestion that all local authorities should be required to collect a 'core set' of materials – rather than all authorities trying to collect everything – and that these should be closely aligned to market demand for the materials.

Improving the quality of the recyclate

5.17 Respondents in favour of placing additional requirements on local authorities in relation to household recycling emphasised that the quality of the recyclate is crucial in enabling a circular economy. Most commonly, respondents wanted to see separate collections for a wider range of materials – for example, not only separating out metal cans, paper and plastic, but also different types of plastics (e.g. PET and HDPE). They noted that contamination of recyclate was more likely to occur where a single recycling bin was used to collect mixed waste, and there were suggestions that single recycling bins for mixed waste should be banned where the greatest contamination occurs.

5.18 However, some individual respondents disagreed with this view and argued instead for one bin to be used for as many materials as possible. The latter group thought that the local authority should take responsibility for sorting materials.

5.19 Some organisational respondents commented that contamination of household waste streams is having a particular impact on local authority contractual arrangements due to the changes to the recycling export market. Some respondents (organisations and individuals)

identified a range of very specific actions that local authorities could take to address the problem of contamination:

- There should be a comprehensive and strategic approach to contamination management across Scotland to ensure policies can be successfully implemented and supported. This activity requires sustained funding to put enough staff on the ground to enable contamination management to be proactive, rather than reactive.
- Current agreed levels of contamination in contracts between local authorities and processors need to be reviewed to ensure the levels are practical and result in feedstocks that can be effectively recycled.
- There should be a requirement for local authorities to improve the quality of green waste feedstocks they collect for recycling and deliver to sites for processing. In particular, organics (food and garden waste) are required to be recycled to set end-of-waste standards (British Standard Institution's PAS 100 and PAS 110²⁰) but local authorities often provide feedstocks to plants that make these standards very difficult to achieve. Composting and anaerobic digestion sites have to spend time and money removing contamination that should not be present in the first place.
- Currently there are few repercussions for householders who do not recycle or who contaminate their bins; nor are there incentives to 'do the right thing'. Some respondents suggested introducing incentives to encourage householders to recycle properly (e.g. a reward-based system where householders can redeem points earned when they recycle correctly, or a council tax discount). More often, however, respondents thought local authorities should have increased powers to (i) reject bins, (ii) fine householders who routinely present contaminated bins for recycling, or (iii) withdraw the waste collection service from individual households. It was also suggested that landlords should be responsible for ensuring that their tenants comply with recycling requirements. However, some respondents thought that exceptions would need to be made for vulnerable individuals.

Expanding processing capacity – and markets for the materials

5.20 Respondents often argued that there was little point in increasing the quantity and quality of household recycling unless there was sufficient local capacity within material recycling facilities (MRFs) to sort and process the recyclate – and secure markets for the materials. It was suggested that more MRFs were needed in Scotland to manage a wider range of waste streams, and that any new facilities should be located as close as possible to areas where waste is produced. In addition, respondents wanted to see new markets for materials being opened up in Scotland, rather than having to ship recycled materials overseas.

²⁰ The British Standard Institution has published a specification for compost materials known as BSI publicly-available specification (PAS) 100 which applies across the UK. The aim of the BSI PAS 100 is to try and improve confidence in composted materials among end users, specifiers and blenders. It also helps producers distinguish between products that are safe, reliable and high performance from those that are not. BSI PAS 110 aims to remove the major barrier to the development of anaerobic digestate and its markets by creating an industry specification against which producers can verify that the recycled material is of consistent quality and fit for purpose.

5.21 Some respondents highlighted a specific need for better infrastructure for processing 'compostable' plastics.

Monitoring / reporting

5.22 Some respondents (both organisations and individuals) referred to the experience of Wales (discussed in the consultation paper) and suggested that it would be helpful to set targets for local authorities in relation to recycling. Some also wanted to see targets set for reuse. Those who mentioned this issue called for improved / more accurate recording of recycling rates for all key materials (including materials going to landfill due to incorrect recycling, and transparent reporting).

Other suggestions for 'additional requirements' on local authorities

5.23 Occasionally, respondents who were in favour of additional requirements being placed on local authorities argued that greater attention needed to be given to efforts 'higher up in the waste hierarchy' – to support more sharing and reuse – and that local authorities could play an important role in promoting and enabling these. In particular, there were suggestions that (i) all local recycling centres should have an associated outlet for items which can be repaired and reused; (ii) a reuse target should be introduced in line with EU recommendations; (iii) a 'hire first' economy should be developed at a local level, where it is more attractive to commission a service or rent rather than buy a product.

Other issues raised by those supporting additional requirements on local authorities

5.24 Respondents who supported additional requirements being placed on local authorities nevertheless frequently highlighted caveats. In particular, they pointed out that improving the rate and quality of household recycling would depend on local authorities having the necessary knowledge, infrastructure and funding before any additional requirements are placed on them. This view was expressed repeatedly by a range of organisational and individual respondents. Some respondents suggested that the timing of any additional requirements on local authorities should be linked to the timetable for EPR reform and implementation of a deposit return scheme (DRS) in Scotland with changes in requirements on local authorities coming only after funding was available through these two routes. (However, some noted that one of the impacts of the DRS may be a fall in household recycling across Scotland.) There was also a view that any additional requirements on local authorities to increase the quantity and quality of recycling could only be effective if it took place in tandem with action by packaging manufacturers to rationalise packaging and to ensure that all packaging is able to be recycled.

Views NOT in support of placing additional requirements on local authorities

5.25 Respondents who answered 'no' or 'neither agree nor disagree', or who did not answer the closed question at Question 8, often raised similar issues. Some of those who answered 'neither agree nor disagree' said that they agreed in principle with additional requirements being placed on local authorities, but only if local authorities were adequately funded to meet those requirements. These comments came not only from public sector organisations (including local authorities), but also a range of private and third sector organisations and individuals. Those who answered 'no' at Question 8 often did so because

they believed any additional requirements on local authorities would have to be appropriately resourced.

5.26 Other respondents in this group expressed concerns about, or highlighted challenges and barriers to, any new actions by local authorities to increase the quantity and quality of recycling in Scotland. The points raised by this group included the following.

- Local authority respondents, in particular, questioned how increasing obligations on householders could be applied and enforced in practice. This group reported the challenge of engaging with and persuading householders to change their behaviours, particularly where residents are unwilling, or not easily able to do so (e.g. due to physical or mental illness / dementia). They specifically highlighted the problem of enforcement in areas with communal bins that were accessible to passers-by in the street. They also pointed out that working with householders to encourage them to take responsibility for the waste they generate can be extremely resource intensive for local authorities. At the same time, it was also suggested that financial incentives may help change householder behaviour.
- Local authorities thought that any additional requirements placed on local authorities were unlikely to achieve very much unless additional obligations were also placed on householders.
- Some respondents suggested that efforts to collect more recycling could have a negative impact on the quality of the materials collected. Materials can require pre-treatment to get it to the standard required for processing, or may need to be disposed of – both of which create an addition cost for local councils. There was also a concern that any increased demands on householders / residents, or increased restrictions on household waste disposal could lead to an increase in waste accumulation or fly-tipping.
- Some local authorities argued that, rather than placing additional demands on local authorities, efforts should focus primarily on ensuring that producers use packaging materials that can be easily sorted and reprocessed through the existing infrastructure – and which have relatively secure long term markets. Nearly all the individual respondents answering ‘no’ to Question 8 did so because they did not believe that it was the responsibility of local authorities (or householders) to increase rates and quality of household recycling. This group argued that the onus for increasing recycling in Scotland should be on producers and retailers who, in their view, were creating the waste in the first place. They repeatedly emphasised that everyone who produces something must be made to understand that they are responsible for the ‘whole life cycle’ of that object – regardless of what that object is.
- Like those in favour of additional responsibilities for local authorities (see paragraph 5.24 above) those who were not in favour thought that the timetable for introducing any new responsibilities should be delayed until there was clarity about how EPR reform and the DRS would interact with these proposals.
- Some local authorities commented that there are different recycling arrangements in different local authorities for a variety of reasons, and these often related to the geographical context that those authorities operate in. Attempting to standardise

recycling systems would not necessarily be cost-effective for authorities in some parts of Scotland, depending on whether they were urban, rural or island authorities.

5.27 Like those who supported the principle of additional responsibilities for local authorities, those who were not in favour highlighted the importance of national and local communication strategies. Some suggested that this should be the main priority – led by the Scottish Government – rather than putting additional requirements on local authorities.

5.28 Finally, a small number of organisational respondents with an industry perspective (i.e. those in the food, drink, hospitality, tourism and restaurant sectors, and packaging manufacturers) answered ‘no’ at Question 8 because they believed any steps to place additional requirements on local authorities should be debated in the Scottish Parliament. This group wanted to ensure that funds made available through EPR were used solely for the purpose of collecting and recycling a core set of materials, and they wanted this core set of materials to be consistent across the UK.

Improving consistency in household recycling (Q9)

5.29 Question 9 asked respondents if they agreed with the principle of having greater consistency in household recycling collections across different local authority areas. Table 5.2 shows that the vast majority of respondents (89%) agreed. There was a similar pattern of response among organisations (81% said ‘yes’) and individuals (92% said ‘yes’). Among both groups, respondents who did not answer ‘yes’ to this question were more likely to say ‘neither agree nor disagree’ rather than ‘no’. Among the local authorities, 18 out of 22 respondents answering this question said ‘yes’.

Table 5.2: Q9 – Do you agree with the principle of greater consistency in household recycling collections in different local authority areas?

Organisation type	Yes		No		Neither agree nor disagree		Total	
	n	%	n	%	n	%	n	%
Environmental charities, third sector and community sector organisations	26	93%	1	4%	1	4%	28	100%
Public sector organisations	22	81%	1	4%	4	15%	27	100%
Food, drink, hospitality, tourism and retail organisations	20	91%	–	0%	2	9%	22	100%
Environmental consultancies & resource management organisations	17	100%	–	0%	–	0%	17	100%
Academic and professional bodies and business representative bodies	9	82%	–	0%	2	18%	11	100%
Packaging and other manufacturing organisations	10	83%	1	8%	1	8%	12	100%
Beverage and vending companies	1	8%	–	0%	11	92%	12	100%
Total organisations	105	81%	3	2%	21	16%	129	100%

Total individuals	247	92%	5	2%	16	6%	268	100%
Total organisations and individuals	352	89%	8	2%	37	9%	397	100%

Percentages may not total 100% due to rounding.

Moving to a mandated approach to household recycling (Q10)

5.30 Question 10 asked respondents if they thought Scotland should move away from the current voluntary approach to household recycling towards a more mandated approach whereby implementation of Scotland's Household Recycling Charter and its Code of Practice become a statutory obligation. Table 5.3 shows that around three-quarters of respondents overall (76%) agreed with this proposal. Individuals (82%) were more likely than organisations (64%) to agree. Among organisations, those in the public sector were more likely than others to answer 'no' – half of public sector organisations (52%) said 'no', compared to 13% of organisations overall.

Table 5.3: Q10 – Do you consider that we should move away from the current voluntary approach to Scotland's Household Recycling Charter towards a more mandated approach?

Organisation type	Yes		No		Don't know		Total	
	n	%	n	%	n	%	n	%
Environmental charities, third sector and community sector organisations	26	93%	–	0%	2	7%	28	100%
Public sector organisations	10	37%	14	52%	3	11%	27	100%
Food, drink, hospitality, tourism and retail organisations	15	75%	–	0%	5	25%	20	100%
Environmental consultancies & resource management organisations	14	82%	1	6%	2	12%	17	100%
Academic and professional bodies and business representative bodies	7	64%	–	0%	4	36%	11	100%
Packaging and other manufacturing organisations	9	75%	1	8%	2	17%	12	100%
Beverage and vending companies	–	0%	–	0%	12	100%	12	100%
Total organisations	81	64%	16	13%	30	24%	127	100%
Total individuals	219	82%	14	5%	34	13%	267	100%
Total organisations and individuals	300	76%	30	8%	64	16%	394	100%

Percentages may not total 100% due to rounding.

5.31 It is worth noting that, within the public sector group, local authorities were generally opposed to this proposal – all 22 local authorities and their representative bodies responded to the closed part of this question, with 7 answering 'yes', 13 answering 'no' and 2 answering 'don't know'.

Householders' existing obligations for recycling (Q11)

5.32 Question 11 asked respondents if they thought current householder obligations for recycling were sufficient. Table 5.4 shows that 70% of respondents overall said 'no'. Individuals (75%) were more likely than organisations (59%) to say 'no'. Respondents who did not answer 'no' to Question 11 were more likely to answer 'don't know' rather than 'yes'.

Table 5.4: Q11 – Do you consider that householders' existing obligations are sufficient?

Organisation type	Yes		No		Don't know		Total	
	n	%	n	%	n	%	n	%
Environmental charities, third sector and community sector organisations	4	15%	18	69%	4	15%	26	100%
Public sector organisations	5	19%	19	73%	2	8%	26	100%
Food, drink, hospitality, tourism and retail organisations	–	0%	8	47%	9	53%	17	100%
Environmental consultancies & resource management organisations	3	18%	14	82%	–	0%	17	100%
Academic and professional bodies and business representative bodies	3	27%	5	45%	3	27%	11	100%
Packaging and other manufacturing organisations	2	17%	6	50%	4	33%	12	100%
Beverage and vending companies	–	0%	1	8%	11	92%	12	100%
Total organisations	17	14%	71	59%	33	27%	121	100%
Total individuals	30	11%	200	75%	37	14%	267	100%
Total organisations and individuals	47	12%	271	70%	70	18%	388	100%

Percentages may not total 100% due to rounding.

5.33 In addition, 1,244 individuals who submitted responses through the Friends of the Earth Scotland campaign stated that they fully supported the Scottish Government's proposal to 'place additional requirements on local authorities and individuals to increase rates and quality of recycling of household items'. It may be inferred that these individuals have answered 'no' to Question 11.

Other measures to improve household recycling (Q12)

5.34 Question 12 invited views about whether the Scottish Government should take any other measures to help accelerate the rate and quality of household recycling in Scotland. Altogether, 299 respondents (98 organisations and 201 individuals) provided comments.

5.35 The seven most common suggestions made at Question 12 largely repeated suggestions made at Question 8 – which asked if any additional requirements should be placed on local authorities to increase the rate and quality of household recycling. Indeed,

some respondents emphasised the importance of the Scottish Government working closely with local authorities on these issues. These suggestions were:

- Improving communication with and information to householders (including through schools, simpler / more informative labelling, etc.) to address widespread confusion about what can and cannot be recycled
- Expanding national and local facilities to process recycling and developing new (local) markets for recycled materials
- Proper funding of recycling services via EPR
- Improving recycling systems and infrastructure, and collecting a wider range of materials
- Taking action to reduce the use (by producers) of non-recyclable packaging in Scotland
- Banning recyclable waste from landfill and / or charging for collection of residual waste based on weight (or weight in excess of a standard amount)
- Introducing stronger sanctions (e.g. fines) and incentives (council tax reduction, reward schemes) to increase compliance by householders.

5.36 As each of these points have been discussed in some detail in relation to Question 8, they are not covered again here.

5.37 Some respondents (including environmental charities, third sector organisations and community groups, public sector organisations, and individuals) identified scope for additional legislation in this area. Alongside a legislative ban on recyclable materials being sent to landfill, and powers for local authorities to charge for collection of residual waste (mentioned above), this group wanted to see:

- A move towards regulations and enforcement along the lines of the Waste (England and Wales) Regulations 2011
- Regulations targeting manufacturers and supermarkets – to reduce the quantity of packaging produced and sold and to phase out the use of hard-to-recycle materials
- Increased requirements to use recycled materials as feedstocks in manufacturing
- Greater traceability and accountability for the processing of waste, not only by local authorities, but also by waste contractors – and more regular reporting back to members of the public about what has been achieved
- The transposition of the EU Ecodesign Framework Directive (often referred to as the ‘Right to Repair’ Directive) into Scottish legislation.²¹

5.38 Respondents often identified other countries, or other parts of the UK, that offered learning that could potentially be applied in Scotland, including:

²¹ See: European Commission, The new ecodesign measures explained, Oct 2019, https://ec.europa.eu/commission/presscorner/detail/en/QANDA_19_5889.

- Wales: Wales was frequently highlighted, both by organisations and individuals, as having the highest recycling rates in the UK, with key success factors identified as: (i) significant investment, (ii) a blueprint followed by all but a few local authorities, and (iii) an increased focus on separate collection of different materials. Respondents encouraged the Scottish Government to observe the trial currently taking place in Wales involving the micro-chipping of food waste bins.
- Elsewhere in the UK: It was reported that parts of the UK where collections have been subject to competition have higher recycling levels and standards of performance than areas where there is no competition.
- France: It was reported that a system using transparent bin liners allows waste operators to check the contents meet recycling requirements. If not, a notice is put on the bin, and the householder must comply before their waste is uplifted.
- Flanders (Belgium): This region's 'save as you recycle' and 'pay as you throw' scheme was said to have resulted in high rates of recycling. Respondents noted that the pre-requisites for such schemes are that all householders have access to good recycling and reuse services.
- Netherlands: This country was reported to use a system involving specific 'landfill refuse bags' purchased by householders from designated places. The high fee charged for these bags encourages households to recycle as much as possible.
- Japan: This country was reported to have 'one of the most successful recycling systems' – based on separation of different materials and cultural investment in the importance of recycling.
- Italy: Awareness campaigns were reported to have had a positive impact on recycling rates. These campaigns have involved direct marketing (letters to residents, posters, leaflets and bin stickers), direct contact with building managers, a smart phone app, public meetings, a customer contact centre and school recycling projects.

5.39 Other countries / regions reported to have high recycling rates were Germany and the countries of Scandinavia. However, no further details were provided about recycling arrangements in these countries.

5.40 Occasionally respondents suggested that there were also lessons to be learned from the introduction of initiatives that had **not** been successful in increasing recycling rates.

5.41 Some respondents suggested that the Scottish Government should support research into, for example, (i) ways of expanding deposit return systems to take items other than drinks containers and (ii) identifying the obligations and interventions that will encourage householders to fully and correctly participate in Scotland's recycling systems.

5.42 Other respondents thought the Scottish Government should have a role in trialling initiatives that have been used successfully elsewhere (in Scotland and in other countries) and supporting their wider roll-out. Some highlighted initiatives such as Project Beacon in Tayside, which was reported to support complete plastics recycling through the use of new

technologies and an innovative integrative approach.²² Others suggested that funding was needed for schemes to maximise the reuse / recycling of bulky materials (mattresses, furniture) which often end up in landfill. Occasionally, respondents proposed their own initiatives (e.g. supporting local green groups to inspire and educate people in their neighbourhoods, etc.).

5.43 Finally, there was a recurring view among respondents with an industry perspective (i.e. food, drink, hospitality, tourism and restaurant trade; and packaging and manufacturing organisations) that there should be consistency in approaches to recycling across the UK.

²² Project Beacon has been funded by Zero Waste Scotland. Details are available from: <https://www.zerowastescotland.org.uk/case-study/project-beacon>.

6 Improving enforcement (Q13–Q15)

6.1 Section 4 of the consultation paper discussed the role of the Scottish Environmental Protection Agency (SEPA) in driving down waste production, working with businesses to support secondary material use, and preventing the harms associated with waste management. It also described the powers that SEPA currently has available to tackle waste crime.

6.2 The Scottish Government emphasised its commitment to ensuring that SEPA has the necessary powers to enforce environmental law properly and to restrict illegal activities that hinder and damage the rest of the waste industry in Scotland. Two improvements to current powers of enforcement were proposed to (i) address a gap in existing powers in relation to vehicle seizures linked to waste crime, and (ii) allow Scottish Ministers to create a fixed penalty regime in relation to littering from vehicles.

6.3 The consultation included three questions (all closed questions) on these issues.

Question 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 / No / Neither agree nor disagree]

Question 14: Do you agree Scottish Ministers should have powers to introduce a new fixed penalty regime for littering from vehicles? [Yes / No / Neither agree nor disagree]

Question 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 / No / Neither agree nor disagree]

Seizure of vehicles suspected of being used in waste crime (Q13)

6.4 Question 13 asked respondents if they agreed that legislation in Scotland should allow for the seizure of vehicles suspected of being used for waste crime – as is currently the case in the rest of the UK. Table 6.1 shows that the vast majority of respondents (91%) answered ‘yes’ to this question. There was a similar pattern of response among organisations (84% said ‘yes’) and individuals (95% said ‘yes’). Respondents who did not answer ‘yes’ were more likely to answer ‘neither agree nor disagree’ rather than ‘no’ to this question.

Table 6.1: Q13 – Do you agree that Scotland should have the power to seize vehicles suspected of waste crime, similar to the rest of the UK?

Organisation type	Yes		No		Neither agree nor disagree		Total	
	n	%	n	%	n	%	n	%
Environmental charities, third sector and community sector organisations	28	100%	–	0%	–	0%	28	100%

Public sector organisations	25	96%	–	0%	1	4%	26	100%
Food, drink, hospitality, tourism and retail organisations	13	72%	–	0%	5	28%	18	100%
Environmental consultancies & resource management organisations	17	100%	–	0%	–	0%	17	100%
Academic and professional bodies and business representative bodies	12	100%	–	0%	–	0%	12	100%
Packaging and other manufacturing organisations	7	70%	–	0%	3	30%	10	100%
Beverage and vending companies	1	8%	–	0%	11	92%	12	100%
Total organisations	103	84%	–	0%	20	16%	123	100%
Total individuals	252	95%	5	2%	8	3%	265	100%
Total organisations and individuals	355	91%	5	1%	28	7%	388	100%

Percentages may not total 100% due to rounding.

Introducing a new fixed penalty for littering from vehicles (Q14)

6.5 Question 14 asked respondents if they agreed that Scottish Ministers should have powers to introduce a new fixed penalty regime for littering from vehicles. Table 6.2 shows that the vast majority of respondents (93%) said ‘yes’. Individuals were nearly unanimous in their views on this question with 98% saying ‘yes’; there was a similar pattern of response among organisations with 81% agreeing. Respondents who did not answer ‘yes’ to this question were more likely to answer ‘neither agree nor disagree’ rather than ‘no’.

Table 6.2: Q14 – Do you agree Scottish Ministers should have powers to introduce a new fixed penalty regime for littering from vehicles?

Organisation type	Yes		No		Neither agree nor disagree		Total	
	n	%	n	%	n	%	n	%
Environmental charities, third sector and community sector organisations	26	93%	–	0%	2	7%	28	100%
Public sector organisations	24	92%	1	4%	1	4%	26	100%
Food, drink, hospitality, tourism and retail organisations	13	72%	–	0%	5	28%	18	100%
Environmental consultancies & resource management organisations	17	100%	–	0%	–	0%	17	100%
Academic and professional bodies and business representative bodies	11	100%	–	0%	–	0%	11	100%
Packaging and other manufacturing organisations	8	73%	–	0%	3	27%	11	100%
Beverage and vending companies	1	8%	–	0%	11	92%	12	100%
Total organisations	100	81%	1	1%	22	18%	123	100%
Total individuals	259	98%	4	2%	2	1%	265	100%
Total organisations and individuals	359	93%	5	1%	24	6%	388	100%

Percentages may not total 100% due to rounding.

6.6 In addition, 1,244 individuals who submitted responses through the Friends of the Earth Scotland campaign stated that they fully supported the Scottish Government’s proposal to ‘set powers to introduce a new fixed-penalty regime for littering from vehicles’.

Responsibility for offences from or in relation to a vehicle (Q15)

6.7 Question 15 asked respondents if they agreed that legislation should be introduced which allows for the registered keeper of a vehicle to be held responsible for any criminal offences (such as littering) committed from or in relation to that vehicle. Table 6.3 shows that there was general support for this proposal with 73% overall answering ‘yes’.

Individuals (78%) were more likely than organisations (61%) to answer ‘yes’. Individuals (12%) were also more likely than organisations (8%) to answer ‘no’, whereas one-third of organisations answered ‘neither agree nor disagree’.

Table 6.3: Q15 – 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?

Organisation type	Yes		No		Neither agree nor disagree		Total	
	n	%	n	%	n	%	n	%
Environmental charities, third sector and community sector organisations	19	68%	3	11%	6	21%	28	100%
Public sector organisations	23	88%	1	4%	2	8%	26	100%
Food, drink, hospitality, tourism and retail organisations	7	41%	3	18%	7	41%	17	100%
Environmental consultancies & resource management organisations	9	53%	2	12%	6	35%	17	100%
Academic and professional bodies and business representative bodies	8	80%	–	0%	2	20%	10	100%
Packaging and other manufacturing organisations	6	60%	–	0%	4	40%	10	100%
Beverage and vending companies	1	8%	–	0%	11	92%	12	100%
Total organisations	73	61%	9	8%	38	32%	120	100%
Total individuals	207	78%	33	12%	25	9%	265	100%
Total organisations and individuals	280	73%	42	11%	63	16%	385	100%

Percentages may not total 100% due to rounding.

7 Assessing the impact of the Bill proposals (Q16–Q18)

7.1 This chapter presents respondents' views on the possible impacts that the proposals in the consultation might have on population subgroups (including those with 'protected characteristics' as defined in the Equality Act 2010), businesses, and the environment.

7.2 The consultation paper explained that the powers proposed for inclusion in the Circular Economy Bill are primary (enabling) powers. Thus, at this stage, partial impact assessments only had been conducted in relation to equalities impacts²³ and business and regulatory impacts²⁴; subsequent secondary legislation to enact the policies detailed in the Bill would be subject to further (partial and full) impact assessments. The Scottish Government said that it would use the current consultation process as a means to explore any potential impacts.

Question 16: Taking into account the accompanying 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.

Question 17: Taking into account the accompanying 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.

Question 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.

Equalities impacts (Q16)

7.3 A total of 230 respondents (75 organisations and 155 individuals) made comments on the (additional) impacts the proposals in the consultation might have on particular groups of people.²⁵

7.4 However, around half of the comments (including around a third of the organisational comments and over half of the comments from individuals) received in relation to Question 16 indicated that the respondent (i) was either unsure whether there would be any equalities impacts or (ii) thought there would be no equalities impacts. Thus, the number of substantive comments in relation to this question was substantially smaller than the total number of comments. The remainder of this section focuses on the views of those making substantive comments.

7.5 Respondents agreed with the suggestion in the consultation paper that people with disabilities would be most affected by the proposals, especially in relation to environmental

²³ Scottish Government (2019) *Circular Economy Bill proposals: partial EQIA*, <http://www.gov.scot/ISBN/9781839603259>.

²⁴ Scottish Government (2019) *Circular Economy Bill proposals: partial BRIA*, <http://www.gov.scot/ISBN/9781839603242>.

²⁵ Note that although the question asked about 'additional likely impacts' (i.e. over and above those discussed in the partial EQIA) respondents simply discussed any impacts they thought were relevant.

charging. However, they also highlighted a wide range of other groups they thought might be disadvantaged or differentially impacted by the introduction of the proposals (some of which were not necessarily related to the 'protected characteristics'), including those who:

- Are old(er) and / or frail
- Are unwell / sick / in hospital
- Do not speak English / speak only limited English / belong to an ethnic minority
- Have mental health difficulties / learning disabilities / dementia
- Are on low incomes or live in deprived circumstances / places
- Live in rural areas
- Do not have access to suitable transport.

7.6 Some respondents noted that the groups that would be (most) impacted would depend on the scope of the proposals. In particular, if nappies, sanitary towels and / or incontinence pads were to be included in the legislation, then parents, women, and older people would be disproportionately affected.

7.7 Two specific concerns about the potential impacts of the proposals were raised by a wide range of both individual and organisational respondents:

- Single-use plastic straws were thought to be vitally important for those with a range of medical and nutritional needs. Respondents were concerned that restricting access to these or banning them completely would compound the difficulties of those requiring them and could add to their social isolation. These products were said to be crucial not just in hospital and care home contexts but also in social settings (e.g. cafes and pubs).
- Access to recycling facilities (including reverse vending machines) was viewed as problematic for a range of groups including those in rural areas, those with mobility problems, those living in high rise buildings, and those without access to a car or other reliable public transport.

7.8 There was widespread agreement that any change that was proposed should be implemented alongside services and infrastructure that would allow for an easy transition. There was repeated reference to the specific role of 'disability advisor' which was believed to have been very useful on the Expert Panel on Environmental Charging and Other Measures (EPECOM) in scrutinising the impact of banning specific items on those with disabilities.

7.9 Finally, it was also suggested that some of the changes proposed (e.g. to the procurement strategies of public bodies in relation to waste disposal and value chains) would have impacts beyond Scotland's borders and that these impacts should also be considered in assessing the proposals.

Business and regulatory impacts (Q17)

7.10 A total of 267 respondents (91 organisations and 176 individuals) made comments at Question 17 on whether the proposals in the consultation paper were likely to increase or reduce costs and burdens placed on any business or sector.

7.11 In general, both organisational and individual respondents thought that the proposals would increase costs for all businesses and sectors – at least in the short term. In particular, respondents thought there would be increased administration costs for businesses as a result of the requirement for additional invoicing, increased logistics planning, extra staff training, more reporting in relation to surplus stock, etc.

7.12 However, it was common for respondents from all sectors to emphasise that these increased costs should not be viewed in isolation. Respondents thought the wider context needed to be taken into account in judging the impacts of these increased costs. For example:

- While there might be increased costs initially, in the longer term these would be likely to decrease, ultimately to zero, or even to provide a net saving as new systems of administration develop, new secondary markets are created and single-use (plastic) items are eliminated.
- Any increase in costs could be mitigated if income from monetary penalties resulting from enforcement activities were reallocated – through a system of grants – to assist businesses with compliance.
- There were many benefits, as well as costs, to the proposals contained in the consultation. The benefits included environmental benefits, reputational benefits for businesses, reduced costs from waste, energy saving benefits, as well as the benefits of meeting any (new) legal requirements. Some respondents suggested that, when these benefits were weighed against the costs, there was an overall net benefit from the approach proposed.
- The changes would be applied ‘across the board’ and all businesses would be required to comply. Thus, there would be a ‘level playing field’, and this would help to increase the perception of ‘fairness’.
- The transition to a circular economy is necessary in promoting a sustainable future for consumers and businesses. Thus, it is vital that these proposals – which reinforce the importance of the ‘polluter pays’ principle – are introduced.

7.13 Nevertheless, a range of respondents did raise concerns in relation to the increased costs for specific businesses and sectors. In particular:

- Some thought these changes might impact disproportionately on small businesses, including those operating out of small premises (for example mobile facilities and kiosks). Respondents who were concerned about small businesses said that any increase in costs should be proportionate to the size of the business.
- The restaurant / food / retail sectors were highlighted specifically as sectors which might be disproportionately affected, and for whom the introduction of these

proposals alongside other current proposals (on Extended Producer Responsibility (EPR), plastic packaging tax, deposit return schemes (DRS) etc.) would be very challenging.

7.14 Respondents argued that the kinds of businesses mentioned in paragraph 7.13 above would need to be well supported through the transition phase as the proposals were implemented.

7.15 More generally, it was suggested that comprehensive and clear guidance would have to be developed in relation to any new requirements, and that the introduction of any changes would have to be gradual, with reasonable targets set for implementation. In addition, the introduction of any new measures would require additional investment, especially in recycling infrastructure. Public sector organisations (local authorities, in particular) emphasised the requirement for more capital and revenue funding to be made available if the Household Recycling Charter is to be made mandatory.

7.16 More clarity was requested in relation to (i) how funds from EPR will be distributed to local authorities and (ii) how to ensure that businesses do not 'pay twice' (specifically through EPR and DRS).

7.17 Finally, there was a small number of comments to the effect that the business and regulatory impact assessment (BRIA) was not sufficiently well developed at this stage to enable substantive feedback. Respondents asked for a full BRIA to be developed ahead of the primary legislation.

Environmental impacts (Q18)

7.18 A total of 293 respondents (104 organisations and 189 individuals) made comments at Question 18 on whether the proposals in the consultation were likely to have an impact on the environment.

7.19 In general, both organisational and individual respondents thought the proposals would have a positive impact on the environment, particularly in relation to (reducing) litter and landfill. It was common for this general conclusion to be stated alongside a caveat – e.g. 'if the proposals are implemented properly' or 'if reusable alternatives are available'.

7.20 Amongst those respondents who commented on the likely scale of environmental impacts, there was widespread agreement that any impacts would be 'modest' or 'small'. While some respondents viewed these modest improvements ('baby steps') as something to be celebrated and built on, others thought the proposals were 'insufficient' or 'inadequate' or 'would not be enough on their own' given the scale of the environmental challenges – including the climate emergency – which Scotland was currently facing. Environmental charities, third sector and community organisations, and environmental consultancies and resource management organisations were more likely than other types of organisation to take the view that the current proposals were insufficient.

7.21 The suggestions made by a range of respondents about (i) how the current proposals could be enhanced to achieve greater impact and (ii) other wider actions which should be

taken to address environmental concerns are discussed in greater detail in paragraphs 7.22 and 7.23 below.

7.22 There were mixed views on two issues:

- Whether consumer and / or household behaviour would change in response to the introduction of the proposals: A range of organisational and individual respondents thought that these proposals would be effective in ‘nudging’ consumer behaviour in the right direction; however, others thought that on their own, the proposals were insufficient to prompt behaviour change.
- Whether fly-tipping might increase as a result of introducing the proposals: It was suggested by a range of respondents that any costs at the point of disposal would have to be kept low (especially at the outset) in order to prevent additional fly-tipping taking place.

7.23 Some respondents suggested the proposals could be enhanced by:

- Ensuring the charges on single-use beverage cups are accompanied by a reusable cup scheme
- Requiring that only ‘natural’ materials can be used for ‘bags for life’
- Introducing measures to encourage uptake of surplus stock and its use as a substitute for raw materials / introducing additional measures to handle the excess food and textile waste
- Incentivising recycled content in new goods (in line with the proposed UK tax on plastics)
- Introducing a tax for textiles containing microplastics
- Introducing stronger enforcement in relation to end-of-life vehicles.

Wider actions to increase positive environmental impacts

7.24 There was a strong underlying theme in the comments made at Question 18 that the proposals in the consultation paper would not be enough on their own. Respondents asked that the proposals should be coordinated with – and have policy coherence with – other extant or developing legislation both in Scotland and the UK (e.g. the Climate Change (Scotland) Act, the reformed Extended Producer Responsibility scheme, the UK Environment Bill 2019). In addition, they suggested that other actions would need to be taken to achieve the objectives as follows:

- Implementation of carbon accounting (including implementation of measures linked to reporting)
- Introduction of life cycle assessment (so that, for example, the environmental impact of washing reusables, and the switch to stronger plastic as a result of the single-use plastic bag charge are taken into account)
- Explicit measures and targets to reduce consumption (i.e. more focus on the ‘reduce’ part of the ‘reduce, reuse, recycle’ hierarchy)

- More focus on repair and educating the public about how to repair items. (Note that 'repair' was seen as distinct from 'reuse'.)
- Education, publicity, communication and advertising in relation to the proposals.

Other issues

7.25 A range of other issues were raised including: the importance of laminated board being accepted in recycling systems; the need for more information on how reporting requirements will be enforced; the current (perceived) lack of capacity and capability in reporting on these types of measures; and the difficulty of determining the impacts given other possible changes which are being considered and / or introduced simultaneously.

7.26 Respondents from the packaging and manufacturing sector voiced their concerns that the proposed DRS will not have a significant effect on litter and recycling behaviours. Respondents from this sector also suggested that the current proposal for a DRS could have a negative impact by decreasing the sale of drinks sold in aluminium cans and increasing the sale of plastic bottles.

7.27 Finally, a small number of individuals emphasised that other sectors – including domestic heating, insulation, the energy sector, the construction industry in general, and the transport sector – have greater impacts on the environment than the ones considered in this consultation.

8 Proposals for secondary legislation (Q19–Q21)

8.1 Section 6 of the consultation paper set out two proposals for secondary legislation related to the development of a circular economy in Scotland. These focused on (i) including circular economy and climate change obligations in the procurement strategies of public bodies and (ii) increasing the minimum charge for single-use carrier bags from 5p to 10p. Three (closed) questions on these proposals were included in the consultation.

Question 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 / No / Neither agree nor disagree]

Question 20: Do you agree with the proposal to increase the minimum charge on single-use carrier bags from 5p to 10p? [Yes / No / Neither agree nor disagree]

Question 21: Do you agree that the initial 5p minimum charge on single-use carrier bags has had a positive impact on the environment? [Yes / No / Neither agree nor disagree]

Supporting the circular economy in public sector procurement (Q19)

8.2 Question 19 asked respondents if they agreed that procurement strategies published by relevant public bodies should include activity that would support the circular economy and action on climate change. Table 8.1 shows that respondents (both organisations and individuals) were nearly unanimous in their views on this question, with 97% overall agreeing.

Table 8.1: Q19 – 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?

Organisation type	Yes		No		Neither agree nor disagree		Total	
	n	%	n	%	n	%	n	%
Environmental charities, third sector and community sector organisations	28	100%	–	0%	–	0%	28	100%
Public sector organisations	23	92%	2	8%	–	0%	25	100%
Food, drink, hospitality, tourism and retail organisations	15	88%	–	0%	2	12%	17	100%
Environmental consultancies & resource management organisations	18	100%	–	0%	–	0%	18	100%
Academic and professional bodies and business representative bodies	12	100%	–	0%	–	0%	12	100%
Packaging and other manufacturing organisations	9	90%	–	0%	1	10%	10	100%

Beverage and vending companies	12 100%	– 0%	– 0%	12 100%
Total organisations	117 96%	2 2%	3 2%	122 100%
Total individuals	255 97%	2 1%	5 2%	262 100%
Total organisations and individuals	372 97%	4 1%	8 2%	384 100%

Increasing the minimum charge on single-use carrier bags (Q20)

8.3 Question 20 asked respondents if they agreed with the proposal to increase the minimum charge on single-use carrier bags from 5p to 10p. Table 8.2 shows that a large majority of respondents (80%) agreed. Individuals (88%) were more likely than organisations (64%) to answer ‘yes’ to this question. Respondents who did not answer ‘yes’ to this question were more likely to say ‘neither agree nor disagree’ rather than ‘no’.

Table 8.2: Q20 – Do you agree with the proposal to increase the minimum charge on single-use carrier bags from 5p to 10p?

Organisation type	Yes		No		Neither agree nor disagree		Total	
	n	%	n	%	n	%	n	%
Environmental charities, third sector and community sector organisations	23	82%	2	7%	3	11%	28	100%
Public sector organisations	21	84%	–	0%	4	16%	25	100%
Food, drink, hospitality, tourism and retail organisations	9	50%	1	6%	8	44%	18	100%
Environmental consultancies & resource management organisations	12	71%	–	0%	5	29%	17	100%
Academic and professional bodies and business representative bodies	9	82%	–	0%	2	18%	11	100%
Packaging and other manufacturing organisations	2	20%	–	0%	8	80%	10	100%
Beverage and vending companies	1	8%	–	0%	11	92%	12	100%
Total organisations	77	64%	3	2%	41	34%	121	100%
Total individuals	229	88%	14	5%	18	7%	261	100%
Total organisations and individuals	306	80%	17	4%	59	15%	382	100%

Percentages may not total 100% due to rounding.

8.4 In addition, 1,244 individuals who submitted responses through the Friends of the Earth Scotland campaign stated that they fully supported the Scottish Government’s proposal to ‘increase the minimum single-use carrier bag charge from 5p to 10p’. It may be inferred that these individuals have answered ‘yes’ to Question 20.

Perceived impact of 5p charge on single-use carrier bags (Q21)

8.5 Question 21 asked respondents if they agreed that the initial 5p minimum charge on single-use carrier bag has had a positive impact on the environment. Table 8.3 shows that a large majority of respondents (80%) agreed with this statement. Individuals (86%) were more likely than organisations (67%) to answer 'yes'. Among both groups, respondents who did not answer 'yes' were more likely to say 'neither agree nor disagree' rather than 'no'.

Table 8.3: Q21 – Do you agree that the initial 5p minimum charge on single-use carrier bags has had a positive impact on the environment?

Organisation type	Yes		No		Neither agree nor disagree		Total	
	n	%	n	%	n	%	n	%
Environmental charities, third sector and community sector organisations	23	82%	–	0%	5	18%	28	100%
Public sector organisations	23	92%	–	0%	2	8%	25	100%
Food, drink, hospitality, tourism and retail organisations	13	72%	1	6%	4	22%	18	100%
Environmental consultancies & resource management organisations	10	59%	2	12%	5	29%	17	100%
Academic and professional bodies and business representative bodies	9	90%	–	0%	1	10%	10	100%
Packaging and other manufacturing organisations	1	10%	3	30%	6	60%	10	100%
Beverage and vending companies	1	8%		0%	11	92%	12	100%
Total organisations	80	67%	6	5%	34	28%	120	100%
Total individuals	225	86%	14	5%	22	8%	261	100%
Total organisations and individuals	305	80%	20	5%	56	15%	381	100%

9 Other comments (Q22)

9.1 The final section of the consultation paper invited any other comments about topics relevant to the subject of the consultation.

Question 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?

9.2 This was an open question, and altogether 350 respondents (133 organisations and 217 individuals) provided comments.

9.3 Respondents' comments at Question 22 were generally very lengthy and detailed. Both organisations and individuals often identified what they perceived as gaps in the proposals set out in the consultation paper. These respondents frequently raised multiple issues in their answers to Question 22, sometimes citing published research evidence to support their views.

9.4 Other respondents elaborated on their answers to earlier questions in the consultation – particularly in relation to the closed questions for which there was no dedicated space for comments. This group of respondents often discussed what they saw as the positive aspects of the proposals, but they also frequently raised concerns or highlighted issues relating to the practical implementation of the proposals discussed in the consultation paper

9.5 A detailed analysis of the comments made at Question 22 is beyond the scope of this report. However, all the comments made at Question 22 will be carefully considered by the Scottish Government and further in-house analysis is being undertaken by the relevant policy teams.

9.6 The focus of this chapter will be restricted to: (i) respondents' general views about the Circular Economy Bill proposals, (ii) a brief summary of any additional proposals that respondents made in relation to the main areas of focus in the consultation (i.e. reduce / reuse / recycle, etc.), and (iii) perceived gaps in the proposals. These three broad areas are covered below. A final paragraph provides a summary of concerns expressed at Question 22 about the consultation process.

General views on the proposals set out in the consultation paper

9.7 Respondents generally welcomed the proposals set out in the consultation. At the same time, however, there was a recurring view that the proposals did not go far enough. Those who expressed this view argued that most of the proposals in the consultation paper were targeted at changing the behaviours of householders, consumers, and members of the public. Respondents believed that Scotland needs a 'new economic model' – that a circular economy cannot be conceived of as an 'add-on', or something that runs alongside the traditional economic model, which is based on economic growth. Respondents who expressed these views wanted to see more radical, system-level interventions that would aim to reduce production and consumption. The point was made that building a truly circular

economy will require ‘a transformative shift in culture and practice across government, business and third sectors, as well as in communities and families’.

9.8 Even among those respondents who did not explicitly call for full-scale transformation of the Scottish economy, there was nevertheless a view that the proposals set out in the consultation paper were unlikely to achieve the level of behaviour change required to tackle current environmental challenges. It was argued that more far reaching measures are needed and that these must not only encourage people / businesses ‘who try to do the right thing’ for the environment, but they must also penalise those who do not.

9.9 Respondents repeatedly suggested that the Scottish Government should look to the Netherlands which has a target of moving to a circular economy by 2050.

Respondents’ additional proposals

9.10 Respondents often suggested additional actions that the Scottish Government could take in relation to each of the main areas of work set out in the consultation paper: (i) reduce: tackling our throwaway culture, (ii) reuse: encouraging use and reuse to prevent waste, (iii) recycle: maximising the value of materials, (iv) improving enforcement and (v) secondary legislation. Some of these suggestions were very detailed and specific. As much as possible, this section focuses on some of the higher-level proposals suggested by respondents.

Reduce: tackling our throwaway culture

9.11 There was a recurring view among organisations and individuals that the proposals in the consultation paper relating to reducing consumption did not go far enough. Those who had this view emphasised that to drive change towards a more circular economy, society needs to consume less. Some of the additional high-level proposals suggested by this group included:

- Setting targets to reduce Scotland material ‘footprint’ (i.e. the total volume of raw materials used in all goods consumed in Scotland, regardless of their place of origin) – with a repeated call to reduce Scotland’s carbon footprint to net zero by 2050, and to reduce key elements of Scotland’s material footprint (i.e. metals, minerals and fossil fuel feedstocks) by 50% by 2030.
- Produce a ‘resource reduction plan’ and update it every five years. This should include outcomes, milestones and a dedicated budget with annual reporting requirements. Alongside this, establish a committee to advise the Scottish Government on how to meet the targets set in the plan. A resource reduction plan would focus on different sectors (textiles, construction, electrical goods, etc.), and propose the policies needed to make Scotland’s economy less wasteful and more sustainable.

9.12 Examples of some of the other specific suggestions offered by respondents included the following:

- All proposed alternatives to single-use items (e.g. beverage cups) should be rigorously examined before being promoted to understand their full environmental impact, and to ensure that they are not environmentally harmful.
- Labelling should be used to help consumers understand how ‘circular’ a product is – this should include standards for testing microfibre loss from clothing and tyres.
- Public water fountains should be provided – it was thought this could have a very positive impact on reducing the number of single use drinks bottles sold.
- Subsidies to fossil fuel industries should be reduced and then eliminated.
- Financial support should be provided to small-scale grocery stores (and encouragement should be provided to large supermarkets) to go plastic free. This could be done by, for example: (i) reducing or waiving business rates for zero-waste shops, (ii) including zero-waste shopping in any educational literature about how best to manage household waste, (iii) providing incentives to businesses to be more responsible with their waste (e.g. reduced rates on recyclables, higher rates on landfill), and (iv) educating small businesses on the appropriate use of single-use plastics and compostable alternatives.
- Some respondents (especially those with an industry perspective) argued that single-use cups are likely to remain part of on-the-go sales of hot and cold drinks for years to come. These respondents suggested that the income from charges on single-use disposable beverage cups should be invested in developing a recycling infrastructure for these cups in Scotland.

Reuse: encouraging use and reuse to prevent waste

9.13 Respondents emphasised that encouraging ‘reuse’ is a key aspect of developing a more circular economy, and should be prioritised in the Circular Economy Bill. Some pointed out that the policy and objectives in the 2016 policy paper, *Making Things Last*, appeared to be absent in the proposals set out in the consultation paper.

9.14 While respondents agreed that greater consistency in recycling would be desirable, they also wanted to see the development of a household reuse charter which would put reuse on a comparable (or even preferential) basis to recycling. Indeed, those who raised this issue thought that it was important to challenge the assumption that recycling is the most suitable end for most resources. This group also argued that an economy based on sharing would be both more affordable and more accessible. They emphasised that ‘it should not be cheaper to buy something new than to repair it’.

9.15 In terms of specific actions:

- Some respondents wanted the Circular Economy Bill to give much greater attention to tackling ‘planned obsolescence’ – the forced renewal of technology leading to the unnecessary disposal of electronics. This group argued that this type of business model is resulting in the depletion of precious resources and environmental contamination, and they wanted to see a stronger emphasis on developing products that are durable. This could be achieved, for example, by requiring minimum 10-year warranties on all new products.

- Some respondents pointed to a need for more specific action to promote reuse in the construction sector. It was noted that current sustainability standards in the construction industry only look at the quantity of construction waste diverted from landfill – no extra credit is given for following circular economy principles and making this material available for reuse – which means that sending construction waste wood for chipping is given as much credit as diverting it for community reuse.
- Some suggested using legislation to encourage retailers to incentivise the return of items for reuse or recycling – for example, by offering discounts to customers on spectacles, mattresses, shoes, etc., if the customer returns old items.
- Others suggested adding reuse metrics (targets and monitoring) to the Household Recycling Charter. Alongside this, there were calls for tool and toy libraries, and share and reuse hubs to be established across Scotland, and a new focus on investing in a ‘repair economy’.

9.16 Regarding the development of a new ‘repair economy’, there was a suggestion that a minimum two-year warranty could be introduced on all reused / remanufactured products sold by approved reuse centres. It was thought that this type of action would increase consumer confidence, encourage reuse and drive sales in the second-hand sector.

9.17 Some respondents highlighted the experiences of:

- France, which is looking at implementing legislation to label products with information about the availability of spare parts
- Finland, which is exploring municipal lending, leasing and renting of electrical equipment
- Sweden, which has proposed tax changes to allow its citizens to claim tax relief on half the cost of repairing white goods.

Recycle: maximising the value of materials

9.18 Some respondents noted that there was a great deal of emphasis in the consultation paper on increasing recycling rates. However, this group pointed out that, in circular economy terms, recycling should be the very last resort before disposal. It was suggested that the Circular Economy Bill should acknowledge this.

9.19 At the same time, respondents made a wide range of suggestions relating to the topic of recycling, calling for:

- More support for developing reprocessing facilities and end-markets in Scotland for materials collected in Scotland
- The development of options for incentivising or requiring a certain percentage of recycled content to be used in the manufacture of all new products sold in Scotland
- Local authority recycling centres to be required to have associated outlets for items that can be repaired or reused

- Investment in research to develop new biodegradable materials – and incentives for those materials to be taken up by the market
- The problem of ‘monstrous hybrids’ – which combine man-made technical and organic materials in ways that makes them unable to be recycled or reused – to be addressed
- Careful consideration of the implications and financial impact for local authorities of introducing a (largely welcomed) mandatory approach to recycling – in particular, it was noted that account needed to be taken of (i) Scotland’s diverse geography (rural, island, high-density urban areas, etc.), and (ii) the income local authorities were able to generate from garden waste collection under current waste regulations

9.20 Additionally, respondents emphasised the importance of ensuring that proposals to increase recycling rates lead to genuine improvement, rather than an overall lowering of standards.

Improving enforcement

9.21 There was less commentary at Question 22 in relation to the proposals in the consultation paper relating to enforcement – although general support was expressed for tackling litter and waste crime. However, some of the points made by respondents in relation to this particular issue were the following.

- Respondents wanted clarification of who exactly would be responsible for the seizure of vehicles involved in waste crimes – SEPA, the Police, or local authorities. It was noted that local authorities have limited resources available for enforcement and as a result, enforcement action is seldom taken. Therefore, any additional demands in this area must be fully funded. It was also suggested that the Scottish Government should ensure that any proposed new enforcement powers relating to waste crime are fully supported by the Crown Office and Procurator Fiscal Service (COPFS).
- It was suggested that local councils should be permitted and funded to install cameras at problem road junctions where littering is a significant issue, and to take action on the basis of footage captured. There were also suggestions that it should be made easier for other road users to report the registration number of vehicles involved in littering. This could involve the submission of dash-cam evidence.
- Some respondents thought that the removal (or significant reduction) of local authority charges for uplifting bulky items would have a substantial impact on fly-tipping. (It was said that people will often hire a ‘man with a van’ to remove such items for less than their local authority charges, and that this practice is the cause of much fly-tipping across Scotland.)
- Some respondents highlighted what they saw as a range of problems in current waste legislation. These respondents suggested that the legal process for enforcing waste penalties in Scotland is cumbersome and outdated. They also noted that current legislation which classifies certain materials as ‘waste’ can prevent these materials being used as a resource. (The example was given of the diversion of grit and stones from water treatment – which could otherwise be used as an aggregate.) Respondents thought that current waste legislation was complicated (‘too many

amendments / acts, etc.')

 and needed to be revised in light of current circular economy ambitions. They called for a thorough review to identify (i) where existing legislation is acting as a barrier to innovation, and (ii) where new legislation is required to support innovation.

Secondary legislation

9.22 The consultation paper discussed proposed changes to public procurement and the current 5p minimum charge on single-use carrier bags.

Procurement

9.23 There were a wide range of very detailed comments relating to the Scottish Government's proposal to introduce circular economy and climate change obligations into public sector procurement strategies. While some respondents asked for more details of this proposal, others questioned its likely impact.

9.24 Among those respondents who thought public procurement had an important role in helping to shift to a more circular economy, additional suggestions were made in relation to this topic. One suggestion made repeatedly related to a need to tackle the problem of 'green washing' – whereby producers / companies make unsubstantiated claims about their sustainability credentials. This practice was reported to be an obstacle to procuring authentic circular products. Respondents suggested that work needed to be undertaken to standardise ways of measuring the environmental impacts of products. Other specific suggestions included:

- Developing an online marketplace to help procurement professionals with the sourcing of circular products and services
- Ensuring that public procurement prioritises hiring, sharing and reuse, by requiring a business case to justify the purchase of new products
- Placing additional demands on procuring departments including through: (i) ensuring that Green Public Procurement Guidelines²⁶ are being followed, (ii) a requirement to report on 'circular spending' (i.e. service hire, product sharing, repair of existing products, or purchasing second-hand), (iii) a requirement to demonstrate a year-on-year increase in circular spending, (iv) a requirement on suppliers to report on material and carbon footprints, etc.

9.25 There were also suggestions to introduce a requirement for the private sector in Scotland (not just the public sector) to consider climate change and circular economy obligations in their procurement strategies.

Single-use carrier bags

9.26 Respondents made a number of points in relation to the proposal to increase the 5p minimum charge on single-use carrier bags to 10p. First, they pointed out that this change in policy had indeed resulted in less use of single-use carrier bags. However, they also argued that (i) substantial numbers of single-use carrier bags continue to be purchased by

²⁶ The reference here may be the 2016 European Commission document, *Buying Green – A handbook on green public procurement*. Available from: https://ec.europa.eu/environment/gpp/buying_handbook_en.htm.

consumers, and (ii) there has been a large increase in the purchase of ‘bags for life’, which are generally not appropriate alternatives to single-use bags as these are often made of plastic. Respondents who raised this issue wanted to see a legal ban on all plastic bags.

Perceived gaps in the proposals

9.27 Respondents identified a range of perceived ‘gaps’ in the proposals in the consultation paper. The main identified gaps are discussed briefly here.

Restoration / regeneration

9.28 A recurring view expressed by respondents was that one of the key features of a circular economy relates to the restoration and regeneration of natural systems. These respondents noted that the current proposals included no actions related to this important area, and they called for the Circular Economy Bill to include measures relating to agriculture and the land use sector. Specifically, those who raised this issue wanted to see:

- A commitment to ‘nutrient budgeting’²⁷ including a phosphorus balance sheet
- A national ‘soils plan’, which reports on a five-year cycle on the state of Scotland’s soils – monitoring soil loss and health – with ambitious targets to increase soil carbon based on biophysical potential, and the creation of the post of Chief Soils Officer within the Scottish Government
- A duty on land managers to maintain and enhance soil carbon levels and to prevent soil erosion
- A levy paid on any activity which seals soil (and therefore destroys its regenerative capacity – with this levy used for remediation of contaminated soils and peatland.

Economic development in a circular economy

9.29 Some respondents highlighted a need for greater support to be given to small and medium enterprises (SMEs) and fledgling businesses that wish to operate in more sustainable ways. Respondents’ suggestions included:

- Establishing a ‘circular business verification’ scheme (similar to a Fair Trade mark) which would give small sustainable start-ups financial aid, rent or rates relief, access to public sector estate buildings, and business enterprise support for a period of time to help them become established
- Providing extra funding to local authorities to work with SMEs to introduce circular economy principles to their businesses
- Supporting companies to work together to share and reuse resources while at the same time allowing them to remain competitive in their respective markets
- Reducing tax / rates for businesses that demonstrate good practice.

²⁷ Nutrient budgeting is a technique used to quantify or predict nutrient deficits or surpluses, either at a whole-farm or field scale, in an attempt to determine fertiliser requirements. It can improve nutrient use efficiency and reduce nutrient losses from agriculture.

Linking the Circular Economy Bill to other internationally agreed standards

9.30 There were suggestions that the Circular Economy Bill should be explicitly aligned with the UN Sustainable Development Goals (SDGs)²⁸ – including SDG 12 on responsible consumption and production and SDG 8, which aims to ‘promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all’. There was also a suggestion that links should be made to Just Transition principles.²⁹

Communication / education

9.31 Some respondents commented that the consultation had omitted any mention of education and awareness-raising to drive changes in consumption. Those who raised this point argued that there was a need for good quality environmental education within the school curriculum – and that members of the public (including children and young people) need better information to understand the actions they can take to live more sustainably.

Developing a circular economy in specific sectors

9.32 In addition to the construction, agriculture and land-use sectors (discussed above), respondents repeatedly highlighted the need to develop a more circular economy in the healthcare, tourism and fishing sectors, and they thought that legislation / government intervention was likely to be needed to encourage this.

Views on the consultation

9.33 Some respondents commented on the large number of closed questions in the consultation paper – and the lack of space after many of the questions for comments. The point was made that the issues addressed were complex, and the design of the consultation questionnaire had made it difficult for respondents to express their views on this complexity in their responses. Respondents (particularly organisations) requested further consultation on detailed proposals before any proposals are implemented.

²⁸ <https://www.un.org/sustainabledevelopment/sustainable-development-goals/>

²⁹ <https://www.gov.scot/groups/just-transition-commission/>

Annex 1: Organisational respondents

The consultation received a total of 144 responses from organisations.

Environmental charities, third sector and community sector organisations (29)

- Angus Clean Environments
- ASH Scotland
- Association for the Protection of Rural Scotland
- Broadford and Strath Community Company
- Community Resources Network Scotland (CRNS)
- Community Wood Recycling
- Edinburgh Festival Fringe Society
- Evangelical Alliance Scotland and Tearfund Scotland
- Friends of the Earth Falkirk
- Friends of the Earth Scotland
- Heart of Argyll Wildlife Organisation
- Keep Scotland Beautiful
- Marine Conservation Society
- Nairn Eco
- Nourish Scotland
- Plastic Free Scotland
- Rain or Shine
- Remade Network
- Salvation Army Trading Company Ltd (SATCoL)
- Scotland's International Development Alliance
- Scottish Environment Link
- Scottish Islands Federation
- Solway Firth Partnership
- Spruce Carpets
- Sustainable Communities Initiatives
- Tayside Re-Users
- Transition Edinburgh
- Wellbeing Economy Alliance Scotland
- Woodrecyclability Ltd
- City of Edinburgh Council
- Comhairle nan Eilean Siar
- COSLA
- Dumfries and Galloway Council
- Dundee City Council
- East Ayrshire Council Waste Management Section
- East Dunbartonshire Council
- East Renfrewshire Council - Environment Department
- Falkirk Council
- Fife Council
- Glasgow City Council
- The Highland Council
- Historic Environment Scotland
- Local Authority Recycling Advisory Committee (LARAC)
- North Ayrshire Council
- Perth & Kinross Council
- Renfrewshire Council
- Scottish Borders Council
- Scottish Managed Sustainable Health (SMaSH) network
- Scottish Natural Heritage
- Scottish Prison Service
- Scottish Youth Parliament
- South Ayrshire Council
- South Lanarkshire Council
- Stirling Council
- Transport Scotland

Food, drink, hospitality, tourism and retail organisations (25)

- Applecross Inn
- ASDA
- Association of Convenience Stores
- Bidfood UK
- British Soft Drinks Association
- British Specialist Nutrition Association
- Costa Coffee
- Danone Holdings Ltd
- Edinburgh Airport

Public sector organisations (28)

- Aberdeen City Council
- Aberdeenshire Council

- Edinburgh International Conference Centre (EICC)
- Food and Drink Federation
- Freeze Pro Shop
- KFC UK & Ireland
- Logie Steading Visitor Centre
- Lucozade Ribena Suntory
- McDonald's
- Natural Change Ltd
- Natural Source Waters Association
- Nestle UK&I
- The Refillery
- Scottish Beer and Pub Association
- Scottish Retail Consortium
- Scottish Wholesale Association
- Sea Kayak Scotland
- UKHospitality

Environmental consultancies and resource management organisations (19)

- Aurora Sustainability Ltd
- Binn Group
- Changeworks Resources for Life
- CIWM Scotland Centre
- Comply Direct Ltd
- Enva Organics and Enva Resource Management
- ENVA Recycling Scotland
- Glasgow School of Art
- Kenoteq Ltd
- Mil-tek (Scotland) Ltd
- National Green Standard
- Resource Futures
- Resource Management Association Scotland (RMAS)
- Roderick James Architects
- Scottish Environmental Services Association
- SUEZ Recycling & Recovery UK Ltd
- Uncommon Sense
- Valpak Scotland Limited
- Viridor

Academic and professional bodies and business representative bodies (17)

- Advanced Procurement for Universities and Collges
- APUC (Advanced Procurement for Universities and Colleges) Ltd - Development and Sustainability team
- The Association for Renewable Energy and Clean Technology
- Association of Accounting Technicians (AAT)
- Built Environment Forum Scotland
- EAUC-Scotland
- Edinburgh Chamber of Commerce
- Federation of Small Businesses
- Glasgow Chamber of Commerce
- Institute of Environmental Management and Assessment (IEMA)
- Institution of Civil Engineers
- Landscape Institute Scotland
- Law Society of Scotland
- National Farmers Union Scotland
- Scottish Land & Estates
- Skills Development Scotland
- Young Enterprise Scotland

Packaging and other manufacturing organisations (14)

- The Alliance for Beverage Cartons and the Environment Ltd (ACE UK)
- Alupro
- The Association of Manufacturers of Domestic Appliances
- Benders Paper Cups
- Bericap UK Ltd
- British Glass Manufacturers' Confederation
- The British Plastics Federation
- BSI Group
- CPL Industries
- Dart Products Europe
- Huhtamaki UK
- Industry Council for Packaging and the Environment (INCPEN)

- Paper Cup Alliance
- The Paper Cup Recovery and Recycling Group

Beverage and vending companies (12)

- Automatic Vending Association
- Coffeetek
- Connect Vending Limited
- Easy Vending
- European Vending & Coffee Service Association (EVA)
- Excel Vending
- Lavazza Professional
- Montagu Group Limited
- Myrtle Coffee Services Ltd
- Options Management Ltd
- Selecta UK Ltd
- SV24/7 Vending

Annex 2: Friends of the Earth Scotland campaign text

I am writing to respond to your consultation on Developing Scotland's circular economy: Proposals for legislation. Please treat my email as an individual response.

Given the climate emergency, I am very concerned about our overconsumption of resources and believe we urgently need to transform the way we consume and manage resources in Scotland, including massively reducing the amount of waste we produce.

In order to do this I want to see Scotland moving towards a circular economy where materials are kept circulating around the economy for as long as possible before they become waste.

Therefore I fully support the Scottish Government's proposals outlined in this consultation to set charges for environmentally harmful items, require mandatory public reporting of business waste and surplus, place additional requirements on local authorities and individuals to increase rates and quality of recycling of household items, set powers to introduce a new fixed-penalty regime for littering from vehicles, and increasing the minimum single-use carrier bag charge from 5p to 10p.

However, I seek assurance that the Scottish Government's forthcoming Circular Economy Bill will also:

- Include robust targets to tackle our overconsumption of resources including: reducing our carbon footprint to net zero by 2050, reducing our material footprint by 50% from 2020 to 2030 for minerals, metals and fossil fuel feedstocks, and an obligation to create a biomass strategy.
- Set a duty on ministers to report annually on progress towards these targets.
- Introduce a Resources Reduction Plan to be updated every 5 years with policies and other instruments to steer our economy towards meeting the targets.

I also support the full proposals outlined in Scottish Environment LINK's 'Call for a Strong Circular Economy Bill for Scotland' and note a move to a true circular economy could save Scotland 11 million tonnes of carbon emissions by 2050.

Scotland's material consumption accounts for 68-74% of its entire carbon footprint and therefore I urge you to go further than the proposals and set ambitious targets which will help Scotland tackle climate change and our wasteful use of resources.

Annex 3: Question response rates (substantive responses only)

Question numbers followed by an asterisk (*) were addressed by 1,244 individuals who submitted standard responses through the Friends of the Earth Scotland campaign.

Question		Organisations		Individuals	
		Number of responses	% of total responses (base=144)	Number of responses	% of total responses (base=270)
Reduce: tackling our throwaway culture					
Q1*	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 / No / Neither agree nor disagree]	130	90%	269	100%
Q2	Do you agree with the proposal to prioritise introduction of charges for single-use disposable beverage cups? [Yes / No / Neither agree nor disagree]	131	91%	268	99%
Q3	Are there any other items that these new powers for environmental charging should be applied to in the future? [Yes / No / Don't know]	125	87%	259	96%
	If yes, please specify.	98	68%	209	77%
Reuse: encouraging use and reuse to prevent waste					
Q4(I)*	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 business waste? [Yes / No / Neither agree nor disagree]	125	87%	267	99%
Q4(II)*	Business surplus? [Yes / No / Neither agree nor disagree]	125	87%	267	99%
Q5(I)	Do you agree with the proposal to prioritise introduction of mandatory public reporting for businesses of food waste? [Yes / No / Neither agree nor disagree]	127	88%	268	99%
Q5(II)	Food surplus? [Yes / No / Neither agree nor disagree]	126	88%	267	99%

Q6	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 / No / Don't know]	120	83%	267	99%
	If yes, please specify.	82	57%	193	71%

Question		Organisations		Individuals	
		Number of responses	% of total responses (base=144)	Number of responses	% of total responses (base=270)
Q7	Do you have any suggestions on how to encourage the reuse and redistribution of unwanted surplus stock, such as clothing and textiles? [Yes / No / Don't know]	116	81%	254	94%
	If yes, please specify.	90	63%	212	79%
Recycle: maximising value of materials					
Q8*	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 / No / Neither agree nor disagree]	126	88%	266	99%
	If yes, what should the 'additional requirements' be?	89	62%	181	67%
Q9	Do you agree with the principle of greater consistency in household recycling collections in different local authority areas? [Yes / No / Neither agree nor disagree]	129	90%	268	99%
Q10	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 / No / Don't know]	127	88%	267	99%
Q11*	Do you consider that householders' existing obligations are sufficient? [Yes / No / Don't know]	121	84%	267	99%

Q12	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 / No / Don't know]	116	81%	258	96%
	If yes, please specify	98	68%	201	74%

Question		Organisations		Individuals	
		Number of responses	% of total responses (base=144)	Number of responses	% of total responses (base=270)
Improving enforcement					
Q13	Do you agree that Scotland should have the power to seize vehicles suspected of waste crime, similar to the rest of the UK? [Yes / No / Neither agree nor disagree]	123	85%	265	98%
Q14 *	Do you agree Scottish Ministers should have powers to introduce a new fixed penalty regime for littering from vehicles? [Yes / No / Neither agree nor disagree]	123	85%	265	98%
Q15	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 / No / Neither agree nor disagree]	120	83%	265	98%
Assessing impact of Bill proposals					
Q16	Taking into account the accompanying 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.	75	52%	155	57%
Q17	Taking into account the accompanying 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.	91	63%	176	65%

Q18	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.	104	72%	189	70%
Proposals for secondary legislation					
Q19	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 / No / Neither agree nor disagree]	122	85%	262	97%
Q20*	Do you agree with the proposal to increase the minimum charge on single-use carrier bags from 5p to 10p? [Yes / No / Neither agree nor disagree]	121	84%	261	97%
Q21	Do you agree that the initial 5p minimum charge on single-use carrier bags has had a positive impact on the environment? [Yes / No / Neither agree nor disagree]	120	83%	261	97%

Question		Organisations		Individuals	
		Number of responses	% of total responses (base=144)	Number of responses	% of total responses (base=270)
Conclusion					
Q22*	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?	133	92%	217	80%



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