

# Transport and Environment Committee

10.00am, Thursday, 18 August 2022

## Delivering Scotland's Circular Economy – Consultation responses

Executive/routine Wards Council Commitments	Routine
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### 1. Recommendations

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- 1.1 Transport and Environment Committee is asked to note the consultation responses, approved by the Chief Executive in consultation with the Convener under urgency provisions set out in A4.1 of the Committee Terms of Reference and Delegated Functions, which were submitted to the Scottish Government in advance of the consultation closing date on 22 August 2022. This amends the version circulated previously, following engagement with the Green Group.

**Paul Lawrence**

Executive Director of Place

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## Delivering Scotland's Circular Economy – Consultation responses

### 2. Executive Summary

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- 2.1 This paper outlines the Council's responses to two Scottish Government consultations relating to actions and policies needed to promote a circular economy in Scotland.

### 3. Background

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- 3.1 On 30 May 2022, the Scottish Government launched two consultations to guide the development of future actions to promote the circular economy in Scotland.
- 3.2 These included a consultation on proposals for a circular economy bill, inviting views from stakeholders on the Scottish Government powers which should be embedded within new legislation.
- 3.3 They also include a separate consultation seeking views on a 'route map' with proposed priorities and actions to reach waste, recycling and emissions reduction targets.
- 3.4 Actions and powers discussed in each consultation cover a range of policy areas aligned to Scottish Government objectives to:
- 3.4.1 Promote responsible production, ensuring that maximum life and value is derived from resources used to make and supply goods and services;
  - 3.4.2 Promote responsible consumption, making unnecessary waste unacceptable in Scotland; and
  - 3.4.3 Maximise value from Waste and Energy, so that the environmental and economic value of wasted resources and energy is harnessed efficiently.
- 3.5 These objectives are closely aligned with the Council's 2030 Climate Strategy and Edinburgh Economy Strategy, both of which set out actions to support the transition towards more circular economy business models in Edinburgh, such as reverse logistics, material recovery and re-use, asset leasing, or other ways to make better use of materials and products and reduce waste.

## 4. Main report

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- 4.1 Responses from the City of Edinburgh Council to the Scottish Government consultations are provided in Appendices 1 and 2. In summary, the responses outline that:
- 4.1.1 The Council supports Scottish Government proposals to publish a Circular Economy Strategy which would be updated on a five year cycle, but suggests that in development of a strategy they should commit to meaningful and ongoing engagement with local authority stakeholders on both actions to be delivered, and the resources, powers and support needed to deliver those actions;
  - 4.1.2 The Council agrees with proposals to ban the destruction of unsold durable goods and the exclusions proposed by Scottish Government. In particular, the Council suggests that the Scottish Government should prioritise action towards goods in high demand for resale or redistribution by local charities, as well as items of high environmental impact.
  - 4.1.3 In principle the Council is supportive of the proposal that Scottish Ministers should have the power to set charges for environmentally harmful items, for example single-use disposable beverage cups. In the context of rising inflation and the current cost of living crisis, however, the response notes that it will be important to ensure that the introduction of charges does not bring unwanted consequences in relation to disproportionate increases in consumer costs for people on low incomes.
  - 4.1.4 The Council supports in principle proposals that Scottish Ministers should have powers to place additional requirements on local authorities in order to increase rates and quality of household recycling but notes that these do require safeguards to ensure equity, as well as take into account the particular characteristics of individual authorities (such as housing stock), and subject to adequate funding and supporting legislation to support these initiatives.
  - 4.1.5 Similarly, the Council supports in principle proposals that Scottish Ministers should have the power to set statutory recycling targets for local authorities or to introduce financial incentives or penalties related to these targets, subject to similar safeguards.
  - 4.1.6 In principle, the Council is supportive of proposals for local authorities to have more powers to enforce recycling requirements. In practice, however, given the nature of the city's housing stock, the Council expects that such powers may have limited effectiveness in increasing recycling rates in Edinburgh.

## **5. Next Steps**

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- 5.1 The two consultation responses provided in Appendices 1 and 2 were submitted to the Scottish Government in advance of the consultation closing date of 22 August 2022.

## **6. Financial impact**

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- 6.1 There are no immediate financial impacts arising from the responses outlined in this report.

## **7. Stakeholder/Community Impact**

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- 7.1 The responses outlined in this paper are consistent with the Council's 2030 Climate Strategy and Edinburgh Economy Strategy and stakeholder engagement undertaken in development of those policies.

## **8. Background reading/external references**

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- 8.1 [Delivering Scotland's circular economy - proposed Circular Economy Bill: consultation](#)
- 8.2 [Delivering Scotland's circular economy - route map to 2025 and beyond: consultation](#)

## **9. Appendices**

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- 9.1 Appendix 1 – Council response to the SG Circular Economy Bill consultation
- 9.2 Appendix 2 – Council response to the SG Circular Economy Route Map consultation

Submitted to Delivering Scotland's circular economy: a consultation on proposals for a Circular Economy Bill  
Submitted on 2022-08-19 11:16:53

## Strategic Interventions

### Circular economy strategy obligation

Yes

2. Do you have any further thoughts on a statutory duty to produce a Circular Economy Strategy?:

For the Strategy to work effectively continuous evaluation should be followed. Both in terms of resources allocated to the objectives of the strategy and performance measures to ensure it is delivered the required impact. Committing to a publication within a 5 year cycle, in itself, does not guarantee successful impact. Events, including external shocks and legislative change, may transpire within the period that necessitates a deviation from the 5 year cycle. Further, it is important that in development of a strategy Government commits to meaningful and ongoing engagement with stakeholders on both actions to be delivered, and the resources, powers and support needed to deliver those actions. In particular, where a strategy incorporates new actions to be delivered by local authority partners, it is important that those responsibilities are accompanied by the resources needed to ensure effective delivery.

### Statutory targets – consumption reduction, reuse and recycling

Yes

4. Do you have any comments in relation to proposals to set statutory targets?:

Having a strong progress monitoring framework is an important part of strategy development can in principle send a signal of the seriousness of the government intent and influence decision-making on a continuing basis. However, caution is required to ensure that targets do not bring unwanted consequences from limiting local discretion and innovation. Setting statutory targets can, for instance, carry a risk of narrowing the focus of policy delivery to a degree that discourages other actions complementary to the overarching aims of the strategy. Any target setting process should include ongoing and meaningful engagement with stakeholders and local authority partners to ensure that the local bodies retain the discretion needed to respond effectively to local circumstances and opportunities. Beyond these general comments, it's not possible to give a specific view on this without more information on what the targets are, and what "statutory" means in practice as performance versus a target can be influenced by external factors outwith the control of the stakeholders charged with delivering them. Any statutory targets such as recycling rates and additional requirements on local government should take account of what authorities can reasonably expected to achieve. Further discussion on this point is provided later in this submission.

### Establishment of circular economy public body

Neither agree nor disagree

6. Please provide evidence to support your answer to question 5:

More information is needed to assess options in this question. In particular, more information is needed on how the role of a potential body would differ from that of Zero Waste Scotland (ZWS), whether a new body would replace or work alongside ZWS, and whether the proposed changes would allow ZWS or its replacement to continue to what the implications of this are. Would it, for example, still be able to access third party funding in the same way as ZWS has? More information would also be needed on other options which could be considered other than creation of a new body. Could, for instance, similar aims be delivered by improving the accountability and effectiveness of existing networks and organisations?

7. If a Circular Economy public body were to be established, what statutory functions should it fulfil? :

The most obvious role would be regulating business compliance with responsibilities to ensure waste minimisation, producer takeback (where applicable) and working across sectors in Scotland to close the loop on supply chains more effectively – either through incentives (through the form of financial support) or regulation.

## Reduce and Reuse

### Measures to ban the destruction of unsold durable goods

Yes

9. Do you have any comments in relation to proposals to ban the destruction of unsold durable goods?:

We'd agree that the Government should take steps to do this. We also agree with the exclusions listed, such as safety, but would add food hygiene in particular.

10. Are there particular product categories that you think should be prioritised?:

The Government could potentially include any manufactured items, but particularly those which:

- Are in demand by charities for redistribution or resale to raise funds;
- Have a particularly high environmental impact, e.g. in carbon terms or by another measure.

Items could include:

- Clothing and bed linens;
- Household goods;
- Furniture;
- Electrical items;
- Non-perishable food and toiletries (e.g. as a result of rebranding).

11. Are there product categories that should be excluded from such a ban?:

As set out in the discussion paper, items which may be unsafe for any reason (e.g. as a result of product recall), items which would be unusable (e.g. the examples given of diaries and calendars) and additionally those which might be unhygienic such as perishable foods. Also, perhaps, items for which no outlet can be found.

Environmental charging for single-use items

12. The previous consultation showed broad support for the proposal that Scottish Ministers should have the power to set charges for environmentally harmful items, for example single-use disposable beverage cups. Is there any new context or evidence that should be taken into account in relation to this proposal? :

In principle we would support this measure. In the context of rising inflation and the current cost of living crisis, however, it will be important to ensure that introduction of charges does not bring unwanted consequences in relation to disproportionate increases in consumer costs for people on low incomes. A full equalities impact assessment should be conducted on any proposed charging scheme including assessment of impact on people experiencing poverty. Recent experiments in Edinburgh have highlighted that the major barrier to maximising the recovery and recycling of this stream of material (single use coffee cups) is the lack of infrastructure in Scotland to recycle disposable paper-based cups. This would be a more effective area to target. The presence of such a business would likely drive more business appetite to further increase recycling of disposable cups.

13. Do you have any further comments on how a charge on environmentally harmful items should be implemented? :

For some items the Government could consider the use of extended producer responsibility legislation. For example, for larger items which people are likely to have delivered such as white goods, furniture and mattresses, there could be an automatic takeback service automatically included in the price, which the customer would have to opt out of (rather than the current system whereby a collection can sometimes be arranged for an additional fee). This would serve to reduce fly-tipping of these items and increase their recycling, and the amount of goods collected in good condition for potential repair and/or reuse and redistribution. The Scottish Government has taken steps to limit specific single use plastic items but not to prevent their replacement with non-plastic alternatives. This means that the issues of littering and resource consumption are not fully addressed. Items such as single use stirrers, cutlery, etc made of wood or other materials still have to be manufactured from raw materials and do not break down when discarded in the wider environment. They could potentially have greater or simply different impacts to the plastic ones. If the Government is not minded to introduce legislation to prevent their use, it could potentially impose charges on their use to encourage prevention at source. In the case of a disposable beverage cup, the aim of a charge would need to be clear. If the charge is aimed at driving consumers to use re-usable cups then there have been recent examples of similar successes where businesses have introduced discounts for using re-usable coffee cups. Whilst this has proven successful for coffee shops, it is less common for fast food takeaways – which also account for a significant usage of disposable cups – where consumers are not always given an option to re-use a cup.

Mandatory reporting of waste and surplus

14. The previous consultation showed broad support for the proposal that Scottish Ministers should have the power to require mandatory public reporting of unwanted surplus stock and waste. Is there any new context or evidence that should be taken into account in relation this proposal?:

No comments on this question.

15. The previous consultation showed broad support for the proposal that food waste should be a priority for regulations. Is there any new context or evidence that should be taken into account in relation this proposal?:

No comments on this question.

16. Are there other waste streams that should be prioritised? :

This should be linked to the ban on destruction of unsold goods and use the same list.

Recycle

Strengthening approach to household recycling collection services

17. The previous consultation showed broad support for the proposal that Scottish Ministers should have powers to place additional requirements on local authorities in order to increase rates and quality of household recycling. Is there any new context or evidence that should be taken into account in relation to the proposal?:

The local authority is acting in this context as a service provider and is not the waste producer. Materials which are not recycled are either those which cannot be recycled, or those for which householders choose not to present for recycling. Local authorities already seek to improve recycling rates by:

- redesigning collection services to encourage householders to prioritise recycling (e.g. by reducing the collection frequency and size of bins for non-recyclable waste);
- maximising the provision of recycling services, which are capable of collecting approximately 70% of household waste;
- engaging and educating residents.

With the exception of 2020, when there were widespread service disruptions due to the pandemic, local authorities have collectively been able to maintain and expand their service provision in this area despite increasingly challenging financial settlements and significant pressure on demand for other Council services such as social care and homelessness.

While waste is produced by households, we do accept that local authorities should continue to find new ways to compel citizens to reduce their waste and make full use of recycling services. However, this would require further funding and additional powers tailored to the nature of Edinburgh's waste system (see Q23).

18. The previous consultation showed broad support for the principle that there should be greater consistency in household recycling collections. Is there any new context or evidence that should be taken into account?:

Yes, we would agree that this is beneficial providing it does not reduce the opportunities for recycling, or for innovation in good practice. There might be examples of cases where a local authority or several authorities are able to access an outlet for a specific material which is not available to others. Overall, though, a more unified system would make communication easier although it should be noted that no system will receive full buy-in from all members of society for many different reasons.

19. The previous consultation showed broad support for the principle of moving 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. Is there any new context or evidence that should be taken into account?:

Given the details of the current Code of Practice, its focus on kerbside collections, and the broad range of local conditions across Scotland (including differences in housing stock and geographical challenges) it is not likely that every local authority will be able to fully comply with every part of the code as it currently stands. The Code of Practice is currently being reviewed but even when this is complete, it is understood that further updates will be required on a regular basis in order to address the impacts of national policy and legislative changes in the UK and Scotland, including the Waste Framework Directive, the Extended Producer Responsibility Legislation for Packaging and the deposit return scheme for drinks containers. Local authorities are experienced and well placed to adapt services to reflect these types of changes. At this point it is not clear that making adherence to the charter statutory would be beneficial. If adherence were made statutory, then local authorities would likely require significant capital investment to manage transitions to any new services, as well as there being the potential for revenue support if disposal or collection costs increase.

The role of targets to support recycling performance

Yes

Yes

22. Please explain your answer:

The current system specifies the services which the local authority must provide within, most recently, the Waste (Scotland) Regulations 2012. The range of materials already collected is extremely comprehensive and covers around 70% of routine household waste, which will increase further as a result of the extended producer responsibility legislation for packaging (e.g. to encompass plastic films) and the Waste (Framework) Directive.

The local authority is acting in this context as a service provider and is not the waste producer. Materials which are not recycled are either those which cannot be recycled, or those for which householders choose not to present for recycling. Local authorities already seek to improve recycling rates by:

- redesigning collection services to encourage householders to prioritise recycling (e.g. by reducing the collection frequency and size of bins for nonrecyclable waste);
- maximising the provision of recycling services, which are capable of collecting approximately 70% of household waste;
- engaging and educating residents.

With the exception of 2020, when there were widespread service disruptions due to the pandemic, local authorities have collectively been able to maintain and expand their service provision in this area despite increasingly challenging financial settlements and significant pressure on demand for other Council services such as social care.

While waste is produced by households, we accept that local authorities should continue to find new ways to compel citizens to reduce their waste and make full use of recycling services.

However, we caution that current powers to increase recycling rates are limited. To be able to meet statutory recycling targets, local authorities would require further funding and additional powers tailored to the nature of their waste system. Edinburgh faces particular challenges in improving recycling rates due to the high number of households using communal bins necessitated by the city's housing stock. Any statutory recycling targets should take account of such constraints on what authorities could reasonably be expected to achieve.

With regard to the example of Wales provided in the discussion paper, there are differences in the methodology for calculating recycling rates in different administrations. We believe that the Welsh rates in fact include (and are inflated by) incinerator bottom ash, which is not the case in Scotland.

In addition, our understanding would be that even in the main cities, the percentage of people in Wales who live in flats (and so use communal collection systems, or might have limited outdoor storage space) is much lower, certainly than in Edinburgh where it is almost 50% of households.

#### The Duty of Care for households

23. The previous consultation showed broad agreement that householders' existing obligations are not sufficient. Is there any new context or evidence that should be taken into account? :

As the discussion paper acknowledges there are in practice no obligations placed on households to use recycling services. The scope for the local authority to take effective regulatory or enforcement action on use of recycling services is limited at present.

Yes

25. Please add any additional comments:

There are good arguments in favour of more local powers to enforce recycling requirements. The decisions of individual residents to not use or to abuse waste and recycling services, for instance, do carry costs to the wider environment and to the city as a whole. In this respect recycling activity can be viewed as analogous to other environmental issues for which enforcement powers are already in place but arguably not strong enough.

It is possible that additional powers could be effective in improving recycling rates, but only with very clear guidance and within clear limitations. For instance:

- Abuse of recycling services should clearly focus on preventing deliberate contamination of recycling bins (by bags of rubbish, nappies, etc), not taking responsibility for waste receptacles (e.g. persistently leaving them on streets or abandoning them) and not penalise innocent errors (such as putting the wrong type of plastic in a recycling bin) – this would likely require revisions to s.46 of the Environmental Protection Act 1990, as have existed in England and Wales for some time.
- Clear legal and judicial advice would be needed to ensure that any system of fixed penalties were enforced. This would also require cooperation from the Crown Office and Procurator Fiscal Service (COPFS) to ensure that relevant action is taken in the courts where FPNs are not paid and evidential tests have been satisfied.
- Resourcing for any enforcement scheme should be in place ahead of implementation, both for local authority enforcement teams and for processing of FPNs.

While these powers may be useful in principle, it is important to note that any enforcement activity will likely have limited impact in a city such as Edinburgh in which:

- Approximately 50% of housing stock use communal collection systems where identification of individual households breaching recycling guidelines would be very challenging
- Even in areas where individual kerbside bins are provided, our evidence shows these are often shared, again raising challenges in identifying breaches
- In view of these constraints it is likely that any new powers would not be practically enforceable in more than 50% of Edinburgh housing stock.

Similarly if the Government is considering use of direct variable charging, again this is likely to be challenging to operate because of our high percentage of communal bin services, and because around half of those (i.e. around 25% of total households) have an on street communal collection system due to the historic design of the buildings. In these circumstances there is therefore no direct link between the producer of the waste, and the cost of disposing of it. Considering these challenges, we would welcome any powers suited to Edinburgh's communal collection system.

#### Incentivising waste reduction and recycling (households)

26. Are there further powers, if any, for Scottish Ministers, and/or local authorities, that should be considered in order to incentivise positive household behaviours, to support waste reduction and increased recycling in Scotland?:

Yes, we have proposed that the Government should consider the use of extended producer responsibility measures to encompass larger items, so that the consumer pays a fee to have it delivered, and the old one taken away- if you do not have an old one to get rid of, you can opt out of the fee. This would serve to reduce dumping of large items, particularly in areas of high density housing where householders often do not have space to store old furniture and accommodate replacement items at the same time, increase recycling and potentially increase the number of items available for reuse.

27. Are there any other legislative measures that you consider Scottish Government should take to strengthen recycling and reuse at a household level, helping accelerate the rate and quality of household recycling in Scotland?:

Yes. Please see response to Q28.

28. Please add any additional comments:

We would agree with the measures set out, such as reducing collection frequencies and/ or bin sizes, but we have already done both of these where we can. The volume limits referred to in Wales are likely for sack collections. We no longer operate these outwith one small area of the city so we would not see these as applicable to Edinburgh.

In general we would like to see more use of both retailer takeback and extended producer responsibility as well as efforts to encourage the reuse economy, by support for a national network of upcycling projects.

Disposable nappies and similar hygiene products remain a part of the waste stream and will remain so as some people require these because of medical conditions. We'd like to see support for separate collections (and development of an end use for them), as well as support for reusable nappy schemes to try to mainstream these in society. These would help to support moves to reduce the capacity required for nonrecyclable waste collections.

## Business recycling collection zoning

Yes

30. Please add any additional comments::

Such moves could potentially be attractive from the following points of view:

- It would allow businesses to work together to share bins, potentially reducing the numbers on the street so improving streetscapes.,
- It would potentially be harder for businesses to avoid putting in place a service and avoid their commercial waste charges, or avoid them putting in place noncompliant services to avoid enforcement.
- It would allow for greater routing efficiencies and proportionate reduction in refuse collection vehicles traffic in these areas, contributing to safer and more pedestrian streets.
- It would allow opportunities to set out more consolidated collection points for waste and recycling, meaning that the Roads authority can have greater certainty in redesigning road space knowing that waste and recycling activities are not being adversely affected. The current lack of opportunity to properly control such traffic in Edinburgh can be seen in many locations such as the High Street (Royal Mile), Rose Street and Cockburn Street.

The challenges might be:

- The local authority would presumably need to tender this service provision. Edinburgh does not operate a commercial collection service as there is already a highly competitive market in our area, but where the local authority does, there could be a perceived conflict of interest;
- The local authority would have to recoup its costs; the cost and administrative burden to carry out local authority tendering is considerable – how these costs would be recovered would need to be clarified (i.e. would this be funded by Scottish Government or would it be recovered from the businesses in the zone?)
- Potential loss of competition;
- The needs of individual businesses are diverse in terms of types of waste, volumes, operating times and collection frequencies, and local authorities are not best placed to decide what each needs;
- The businesses should already have recycling services in place, but the quality of the materials collected will vary. Where clean waste from an office is then co-collected with material which is more prone to contamination such as a café, then the amount recycled might actually fall.

On balance though, it is felt that the benefits would likely outweigh the costs in introducing such a scheme in a city such as Edinburgh or Glasgow, but this may not be a tool which a smaller local authority feel to be appropriate.

## Littering and Improving Enforcement

### New penalty for littering from vehicles

31. The previous consultation showed broad support for the proposal that Scottish Ministers should have the powers to introduce a new fixed penalty regime for littering from vehicles. Is there any new context or evidence that needs to be taken into account? :

No new evidence. We continue to support this measure as a means to reduce littering.

32. The previous consultation showed broad support for the principle that the registered keeper of a vehicle bears primary responsible for offences such as littering from or in relation to their vehicle (for example by passengers or people using that vehicle at that time). Is there any new context or evidence that needs to be taken into account? :

No new evidence. We continue to support this measure as a means to reduce littering

### Seizure of vehicles

33. The previous consultation showed broad support for the principle that enforcement authorities should be given powers to seize vehicles linked to waste crime. Is there any new context or evidence that should be taken into account?:

No new evidence. We continue to support this measure as a means to reduce littering, and in particular fly-tipping.

## Assessing impact of bill proposals

### Equality

34. 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?:

Yes. There are some people who are not able to participate fully in recycling. For example someone who suffers from dementia and lives alone may not be able to separate their waste. In these circumstances, it would not be appropriate to carry out enforcement action, and local authorities would not do so. In addition however, a local authority should not be penalised for failing to meet an arbitrary recycling target as a result of this.

### Business and regulation

35. 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? :

It is likely that the proposals to introduce zoning for commercial waste collections could cause concern to business without any associated support as well as the administrative burden which would be borne by the local authority (and which would have to be recovered). If delivered effectively, there is scope to deliver benefits to businesses that produce waste (recognising that waste collection companies will have concerns) and to improve the quality of the local environment in these areas. However, if such a scheme were not properly supported then there would be concerns that businesses may not yield these benefits.

#### Children's Rights and Wellbeing Impact Assessment

36. Taking into account the accompanying CRWIA, do you think that the proposals contained in this consultation are likely to have an impact on children's rights and wellbeing? :

No comments

#### Islands Communities Impact Assessment

37. Taking into account the accompanying ICIA, do you think that the proposals contained in this consultation are likely to influence an island community significantly differently from its effect on other communities in Scotland? :

No comments

#### Fairer Scotland Duty

38. Taking into account the accompanying Fairer Scotland Assessment summary template, do you think that the proposals contained in this consultation are likely to have an impact in relation to the Fairer Scotland Duty? :

No comments other than those relating to the specific needs of some people with protected characteristics, in particular disabilities.

#### Environment

39. Do you think that the proposals contained in this consultation are likely to have an impact on the environment? :

Steps to improve the volumes and quality of materials collected for recycling, or to reduce the volumes of waste being produced, and to divert more materials for reuse would be expected to positively impact the environment in terms of carbon and resource use more widely.

#### Conclusion

40. Do you have any other comments that you would like to make, relevant to the subject of this consultation, that you have not covered in your answers to other questions?

please specify:

No

#### About you

What is your name?

Name:  
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What is your email address?

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Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation:  
The City of Edinburgh Council

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

Publish response only (without name)

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you

again in relation to this consultation exercise?

Yes

I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy.

I consent

## Evaluation

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

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

Very dissatisfied

Please enter comments here.:

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

Very dissatisfied

Please enter comments here.:

Submitted to Delivering Scotland's circular economy: A Route Map to 2025 and beyond  
Submitted on 2022-08-19 13:03:34

### Package 1: Promote responsible consumption, production and re-use

1 To what extent do you agree with the measures proposed in this package to promote responsible consumption, production and re-use?

Strongly agree

Supporting evidence:

We welcome the ambition of the Scottish Government, and the recognition of the need for change across society. We also support in particular the need to "design out" the resource consumption and waste problem by identifying and banning items which have a disproportionate environmental impact, and the suggestion that extended producer responsibility will play more of a role going forward.

It is important that businesses can access the support, advice, incentives, and workers they need to embrace the circular economy, reduce waste and improve resource efficiency. In line with the Scottish Government's National Economic Strategy, it is vital that we ensure a just transition to a net zero economy. In particular there needs to be opportunities to businesses and people from all backgrounds to access.

2 Are there any further measures that you would like to see included in the Route Map to promote responsible consumption, production and re-use?

Further measures to include:

Yes.

There is a great network of reuse organisations in place across the country doing excellent work. However, many of the organisations are relatively small and the sector is quite fragmented. For example, some are only able to accept items for direct resale. Others accept items for direct donation. Finally, some are engaged in upcycling to either repair items in their existing form or to convert them into new items.

There is scope to encourage collaboration and the development of the upcycling economy so that, for example, if a charity is unable to sell a piece of donated furniture, they have access to an upcycler or remaker who is able to repurpose it into a new and potentially valuable product.

While we acknowledge and welcome the steps the Scottish Government has taken to ban certain single use plastic items, we remain concerned that no steps have been taken to prevent these being directly substituted with the same items made from other materials (e.g. wooden stirrers, starch based cutlery). These items themselves have an environmental impact in terms of their sourcing and production, and when discarded as litter are not biodegradable in a meaningful timescale. They are not usually recyclable.

Overall, we'd like to see an effort to change the behaviour at the heart of the consumption of these items which is actually a relatively recent development. This would mirror the actions which have been taken to encourage refilling of coffee cups for example (perhaps by encouraging people to carry picnic cutlery for takeaways or to eat in rather than take away food for example).

We'd welcome further action to ban certain products or activities which have a disproportionate impact on wildlife and the natural or urban environment such as disposable barbecues, sky lanterns or balloon releases, which are associated with fire risks and ingestion by wildlife and pets.

### Package 2: Reduce food waste

3 To what extent do you agree with the measures proposed in this package to reduce food waste?

Strongly agree

Supporting evidence:

We again welcome the recognition of the need to drive change across society and in particular the development of the behaviour change strategy enhancing support for Scottish households to reduce food waste and await more detail of this with interest.

Our experience is that changing householder behaviour requires targeted interventions over a long period to embed behaviour change. Short term projects can deliver significant results, but these often appear not to be sustained particularly in areas where there is a more transient population.

These projects are not easy to deliver. For example, in 2016/17 Sainsburys piloted a number of initiatives as part of a project to prevent food waste in Derbyshire and were not able to sustain this. It might be that preventing food waste over the long term is easier in institutional settings where the procedures are more controlled and the individual participants have less agency, while the focus on cost may serve to drive down wastage.

4 Are there any further measures that you would like to see included in the Route Map to reduce food waste?

Further measures to include::

Linking food waste prevention messages to the use of food waste collection services for that proportion of the food waste which is unavoidable would be beneficial. Food waste still forms a third of household residual waste despite the accessibility of separate recycling collections.

There are a number of perception barriers – the nature of the material, the perceived hygiene concerns (although the opposite is in fact the case), and the relatively small amounts often being disposed at a time which give a misleading visual impression of the extent of a household's food waste.

There's a need to raise awareness that everyone who cooks food from scratch or even just drinks tea has enough waste to justify using their food waste collection.

### Package 3: Improve recycling from households

5 To what extent do you agree with the measures proposed in this package to improve recycling from households?

Agree

Supporting evidence:

We welcome the broad thrust of the proposals but have significant concerns about specific aspects. There appear to be some inconsistencies between this consultation and that for the Circular Economy Bill, in terms of the measures which would be pursued.

Comments by subject are summarised below:

Service Design:

The commitment to facilitate a process to co-design high quality, high performing household recycling and reuse services, working with service operators and users is welcome as is the recognition that a one size fits all approach can't be adopted.

This is particularly so for our circumstances where around 50% of households live in different types of high-density housing, where kerbside collections are not viable or appropriate. Local authorities are extremely experienced in this regard and the Scottish Government should certainly include them, and also service users to ensure buy in for any changes. It should be noted that users have tended to object when we've made service changes such as introducing fortnightly non-recyclable collections, and reductions in bin sizes, but have then found the services actually work well provided the full range of recycling services is used- the problems generally occur when they are not.

End-User Reporting:

Local authorities already have to report on the end destinations for the materials we collect, and we publish this for key materials in a user-friendly way on our website so it's not clear what would change. However many parts of the waste management sector operate through brokers so obtaining this level of detail can be challenging - local authorities cannot deliver this alone and the entire waste management chain needs to participate.

Additional requirements on local authorities and statutory targets:

We agree with the principle that local authorities should strive to find new ways to compel citizens to reduce their waste and make full use of recycling services. However, to be able to meet statutory recycling targets, local authorities must be supported by further funding and additional powers tailored to the nature of their waste system.

As a city with a high number of households using communal bins, Edinburgh cannot be directly compared to Wales where even in the large cities the percentages of flatted properties/ communal collections are low. Any statutory targets placed on local authorities should take into account such constraints on what authorities could reasonably be expected to achieve. We also note that in Wales the recycling performance is inflated by the inclusion of incinerator bottom ash, which is not included in Scotland.

Our view would be that local authorities have done their best, in the face of challenging financial circumstances, to maximise recycling performance by the householder but are not themselves the waste producer. The local authority does not control what waste is produced by a household and has limited powers of enforcement. They should not be held responsible for the behaviour of individual households, but rather they should be required to provide high quality services in line with the Charter and Code of Practice.

Local authorities already seek to improve recycling rates by:

- redesigning collection services to encourage householders to prioritise recycling (e.g. by reducing the collection frequency and size of bins for non-recyclable waste);
- maximising the provision of recycling services, which are capable of collecting approximately 70% of household waste;
- engaging and educating residents.

Charter and Code of Practice:

All local authorities are Charter signatories. The Code of Practice is currently being reviewed but even this can only be provisional as it will need to be further updated regularly to address the impacts of national policy and legislative changes in the UK and Scotland, including the Waste Framework Directive, the Extended Producer Responsibility Legislation for Packaging and the deposit return scheme for drinks containers. Local authorities are experienced and well placed to adapt services to reflect these types of changes, so at this point it is not clear that making these statutory would serve any great purpose.

The current system specifies the collection services which the local authority must provide within, most recently, the Waste (Scotland) Regulations 2012. The range of materials already collected is extremely comprehensive and covers around 70% of routine household waste, which will increase further as a result of the extended producer responsibility legislation for packaging (to encompass plastic films) and the Waste (Framework) Directive.

Additional materials:

We are confused by the proposals to take powers to implement extended producer responsibility (EPR) for batteries and waste electrical items as these are already in place, although in need of reform. We do welcome the potential extension of this to ensure more widescale collections of materials like textiles and small electricals.

The current services available for electricals are inadequate. As a densely populated urban authority with low car ownership the use of household waste recycling centres is not inclusive, and the current retail takeback scheme comes with too many conditions. We operate a kerbside collection of electricals in parts of the city and are investigating communal bins for flats, but we have to do this at our own cost which is unacceptable.

In addition, both materials (textiles and electricals) are vulnerable to weather damage but can also have some potential for reuse. Households also don't tend to present them on a weekly basis. For this reason, we'd suggest the Scottish government look at different collection models, e.g., responsive collections promoted by the local authority and delivered through EPR, with a contractor collecting from your door or local collection hubs at an agreed time regardless of whether you live in a house or a flat.

We have some concerns around the proposals to add plastic films into the collection mix, which may be addressed by the pilots already taking place.

The concerns are:

- The nature of these materials means there is likely to be significant cross contamination of other materials
- If wrapped, they become impossible to tell from contamination
- If loose, they are likely to blow away as litter during collection
- These materials are the ones we see being illegally disposed overseas; UK markets are needed before collections.

Review of charges:

We have significant concerns about the review of charging.

Local authorities only charge for services reluctantly and have been forced to do so to offset reductions in funding.

When the charge was introduced for bulky collections there was no increase in fly-tipping, and in fact fly-tipping pre-dated the charge. The Scottish Government needs to take into account the different reasons for fly-tipping, particularly illegal online services, and action needs to be taken to tackle this. In fact, for most people our charge is less than the illegal routes. It should also be noted that many items that are disposed of through bulky collections are not recyclable or re-usable – taking away charges for these collections will likely reduce householder responsibility for waste and result in increased demands for this service instead of taking material to HWRCs where it be more cleanly sorted.

Lack of awareness is an issue, which we seek to address locally through communications campaigns, and which the Scottish Government could perhaps consider nationally.

There was no reduction in the collection of clean waste when a charge was introduced for garden waste- we saw a reduction in contaminated materials as those who were abusing the service tended not to opt in as they knew their bins would not be collected.

There is also an equity issue. In reality, no service is free. Users of the garden waste service are being asked to pay a contribution towards the cost of having it collected from their home. Ceasing the charge would spread the cost (almost £2 million per year, just in Edinburgh) across all householders many of whom have no garden and are lower income.

Our current service makes it available to all, but the cost is borne by those who need it and benefit from it. There is some evidence that people use the garden waste collection for convenience rather than environmental reasons as uptake was always higher than for other services.

Enforcement and Charging Models :

The Circular Economy Bill consultation proposes enforcement, fixed penalty notices and householder responsibility but the Routemap is less explicit.

Placing a duty on householders could potentially be effective in making people think twice and raise awareness of the correct ways to dispose of waste.

We would want to have confidence that the Government had engaged with the judicial system to ensure that such FPN was enforceable. Finally, we'd want to be assured that resourcing for such a scheme, both at the front end and in the judicial system was in place.

It should be noted however that any enforcement activity in this regard may have limited impact where communal collection systems are used because identifying the specific household who did it would be challenging. This is approximately 50% of our housing stock.

Similarly, if the Government is considering use of direct variable charging, again this is likely to be challenging to operate because of our high percentage of communal bin services, and because around half of those (i.e., around 25% of total households) have an on street communal collection system due to the historic design of the buildings.

In these circumstances there is therefore no direct link between the producer of the waste, and the cost of disposing of it. Even where individual bins are used in areas of high-density housing (flats) our experience in practice is that residents informally share these, and the advice from our Enforcement Team is that in these circumstances enforcing any regulations is likely to be impossible.

6 Are there any further measures that you would like to see included in the Route Map to improve recycling from households and incentivise positive behaviours?

Further measures to include:

#### Nappies:

There is scope for the Scottish Government to look at both nappy reuse and recycling. We supported a local nappy reuse project for many years but have experienced barriers to expanding into harder to reach groups.

The Scottish Government should consider a national scheme to fund nappy reuse and raise awareness, but take into account the current situation with regards to cost of living- is it still financially preferable for lower income households?

It should also seek to develop a recycling infrastructure for disposables which would support not only householders and local authority collections, but also care homes, hospitals and businesses.

#### Reuse, repair and upcycling:

We'd welcome support to develop the reuse economy and upcycling particularly for bulky items. We've tried without success to develop such a model but found it impossible as the services currently in place are so fragmented. We'd also like to see an extended producer responsibility charge for uplift of bulky items such as mattresses and white goods automatically included in the delivery charge (which the customer could opt out of, if there is nothing to collect) as a means to prevent dumping and encourage reuse and recycling.

In general, we would welcome wider development of extended producer responsibility (EPR) as well as more being done to raise awareness among householders in particular that waste management and recycling are not always led by the Council. We've also highlighted what actions we believe the Scottish Government could take to encourage more reuse and recycling of electricals and textiles by using EPR to both fund and operate services.

#### Perception and Language:

More action is needed to counter myths such as that plastic is illegally dumped overseas - for example ours are reprocessed in the UK in our contractor's own facilities.

The language used around recycling too often still presents it as slightly unusual and difficult, when the reality is that for the vast majority of the population it is easy to recycle much of their waste at home and most people do it most of the time. Nudge Theory would tell us that reinforcing the fact that it's easy and it's something that everyone else is doing is likely to increase participation. While we all understand that there are some people who might not be able to participate fully or at all, for example as a result of health conditions, for the majority of people it's a simple part of everyday routine and this fact could be used to challenge people who don't engage.

### Package 4: Improve recycling from commercial businesses

7 To what extent do you agree with the measures proposed in this package to improve recycling from commercial businesses?

Agree

#### Supporting evidence:

We don't operate a commercial waste collection service but do broadly support the broad thrust of the package.

The composition analysis will, of course, need to be very sector specific.

It would be recommended that zoning of commercial collections is a discretionary power, which can be used by local authorities where they feel there is a benefit in doing so, as opposed to a statutory/mandatory power.

We also have some observations around challenges which appear not to have been considered. Such moves would potentially be attractive from the following points of view:

- It would allow businesses to work together to share bins, potentially reducing the numbers on the street so improving streetscapes, although in our case we already require them to be stored off the street- that would not be possible if they were shared so the opposite might happen and the streetscape would actually deteriorate,
- It would potentially be harder for businesses to avoid putting in place a service and avoid their commercial waste charges.

The challenges might be:

- The local authority would presumably need to tender this service provision. We don't operate a commercial collection service as there is already a highly competitive market in our area, but where the local authority does, there could be a perceived conflict of interest;
- The local authority would have to recoup its costs; the cost and administrative burden to carry out local authority tendering can be considerable- this would be a significant added cost to businesses or would need to be funded by Scottish Government;
- Potential loss of competition;
- The needs of individual businesses are diverse in terms of types of waste, volumes, operating times and collection frequencies, and local authorities are not best placed to decide what each needs;
- The businesses should already have recycling services in place, but the quality of the materials collected will vary. Where clean waste from an office is then co-collected with material which is more prone to contamination such as a café, then the amount recycled might actually fall.

8 Are there any further measures that you would like to see included in the Route Map to improve waste recycling from commercial businesses?

#### Further measures to include:

Although we don't operate a commercial collection service or materials recycling facility (MRF), we are aware that when the current regulations were introduced there was a deterioration in quality of materials coming through MRFs due to the widescale collection of commercial waste.

This is understandable, particularly where food is produced, as these are often high turnover premises with limited space to clean and sort materials. The Scottish Government should include this issue in its review to assess whether it does in fact remain a problem and what action is needed to address it.

Some local authorities who do still operate commercial waste collections, and who ensure their customers are compliant with the Waste (Scotland) Regulations 2012, have reported that there are competing companies operating in their areas who undercut them by selling non-compliant services and there appears to be limited enforcement of the legislation (e.g., by SEPA).

## Package 5: Embed circular construction practices

9 To what extent do you agree with the measures proposed in this package to embed circular construction practices?

Neither agree or disagree

Supporting evidence:

No comments as we are not part of this sector.

10 Are there any further measures that you would like to see included in the Route Map to embed circular construction practices?

Further measures to include:

No comments as we are not part of this sector.

## Package 6: Minimise the impact of disposal

11 To what extent do you agree with the measures proposed in this package to minimise the impact of the disposal of residual waste?

Agree

Supporting evidence:

We are in agreement with the direction of travel in this area. We've already responded to the separate UK Government led consultation on emissions trading.

In that response, we've noted that the residual waste being sent for disposal can only be incinerated with energy recovery or landfilled, because it is not recyclable or has not been sorted correctly by the householder (or business if it is commercial waste).

In this case, due to the high putrescible content, energy recovery with heat capture is actually the least negative environmental outcome and would in fact be reducing carbon emission impacts by avoiding the emission of methane. This needs to be taken into account in the development of carbon pricing, and an emphasis is needed to encourage the development of processing plants which operate at the highest level of efficiency (i.e., with heat capture).

12 Are there any further measures that you would like to see included in the Route Map to minimise the impact of disposal?

Further measures to include:

Hazardous household chemicals:

At the current time the facilities available for the safe disposal of hazardous household chemicals are limited, and expensive. This area does not seem to be mentioned in any detail in the discussion paper.

Medical waste:

We are noticing increasing contacts from patients who are unable to dispose of medical waste such as diabetic sharps or even used medicines.

These services have historically been provided by community pharmacies or the NHS itself. Presumably to reduce costs patients appear to increasingly be directed to the local authorities who do not have facilities to manage these waste streams and so the patients are left with nowhere to go. We are engaged locally with the NHS over this, but it is known to be a wider issue than just our area.

The use of community pharmacies for this purpose is likely to be the most appropriate way to manage these disposal issues and the Scottish Government should act to ensure these are reinstated.

## Package 7: Cross-cutting measures

13 To what extent do you agree with the measures proposed in this package to support action across the circular economy?

Agree

Supporting evidence:

There are a number of information gaps in knowledge of waste arisings in Scotland and perhaps a historical overemphasis on household waste and local authority activities.

The steps being proposed to broaden understanding and knowledge are therefore welcome.

14 Are there any further measures that you would like to see included in the Route Map to support action across the circular economy?

Further measures to include:

Nothing is recyclable if it has no end user. If it can't be designed out through changing behaviour, processes, etc, then it does need to be recycled or disposed of and there is very little mention of market development in the consultation.

To support a more circular economy additional programmes are needed that support businesses to reduce, re-use and recycle - minimising waste and improving resource efficiency. This could be achieved by delivering and supporting a business mentoring and support programmes to help employers take practical steps to realign their operations towards becoming net zero.

## Beyond 2025

15 To what extent do you agree with the principles proposed to underpin future circular economy targets?

Agree

Supporting evidence:

No comments

## Impact assessments

16 Please provide any further information or evidence that should be considered in the accompanying Equalities Impact Assessment.

Further information:

There are some people who are not able to participate fully in recycling. For example someone who suffers from dementia and lives alone may not be able to separate their waste. In these circumstances, it would not be appropriate to carry out enforcement action, and local authorities should not do so. In addition however, a local authority should not be penalised for failing to meet an arbitrary recycling target as a result of this.

17 Please provide any further information or evidence that should be considered in the accompanying Fairer Scotland Assessment.

Further information:

Proposals to replace service charges for services such as garden waste would shift more of the costs of providing those services onto households who do not benefit from the services, and who may on average have lower household incomes.

There are potential risks relating to the specific needs of some people with protected characteristics, in particular disabilities, if enforcement action is taken against people who do not use collection services properly.

18 Please provide any further information or evidence that should be considered in the accompanying Island Communities Impact Assessment.

Further information:

No comments

19 Please provide any further information or evidence that should be considered in the accompanying Business and Regulatory Impact Assessment.

Further information:

It is likely that the proposals to introduce zoning for commercial waste collections could cause concern to business, as well as the administrative burden which would be borne by the local authority (and which would have to be recovered).

20 Please provide any further information or evidence that should be considered with regards to the environmental impact of proposals outlined in the Route Map.

Further information:

Steps to improve the volumes and quality of materials collected for recycling, or to reduce the volumes of waste being produced, and to divert more materials for reuse would be expected to positively impact the environment in terms of carbon and resource use more widely.

## About you

21 What is your name?

Name:  
Angus Murdoch

22 What is your email address?

Email:  
angus.murdoch@edinburgh.gov.uk

23 Are you responding as an individual or an organisation?

Organisation

24 What is your organisation?

Organisation:  
The City of Edinburgh Council

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

Publish response only (without name)

26 We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

27 I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy.

I consent

## Evaluation

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

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

Very satisfied

Please enter comments here.:

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

Very satisfied

Please enter comments here.: