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**Report to Enterprise and Environment Committee**

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**Date of Meeting: 6th November 2014**

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**Subject: Single Use Carrier Bags Charge**

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**Report by: Head of Development and Environment**

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**1.0 Purpose**

- 1.1. To advise members on the requirements of the new [The Single Use Carrier Bags Charge \(Scotland\) Regulations 2014](#), which came into effect on 20 October 2014, and the arrangements being put in place for their enforcement.

**2.0 Recommendations**

- 2.1. It is recommended that the Committee notes :
- a) the new powers and responsibilities for Local Authorities as outlined in this report and
  - b) that those powers are allocated to the Trading Standards Service for enforcement, with a gradual approach to enforcement being taken initially.

**3.0 Considerations**

- 3.1. These Regulations are made under the Climate Change (Scotland) Act 2009 and aim to reduce the number of carrier bags used. Carrier bag charges have been successfully implemented in other parts of the UK, with bag use in Wales reduced by 75% and Northern Ireland by 80%. Scotland currently uses 750 million bags each year.
- 3.2. The Regulations provide a statutory requirement for businesses to charge a minimum of 5p per single use carrier bag supplied new for the purposes of allowing goods to be taken away or delivered to a customer.
- 3.3. There is no maximum charge set by this legislation and there are certain exemptions which relate to circumstances in which goods are unavoidably contained in a plastic bag such as live aquatic creatures in water.
- 3.4. The Regulations provide detailed specifications to define a single use carrier bag including dimensions, composition and thickness. Multiple re-use carrier bags are not included.

- 3.5. Suppliers with more than 10 members of full time staff or equivalent must keep records of the net proceeds of this charge for at least 3 financial years. Records must also be kept of the purposes to which these net proceeds have been applied.
- 3.6. The legislation affords powers to the Local Authority as the Enforcement Authority for the area. These powers will be exercised by Trading Standards Officers, who have access to calibrated measuring equipment required to carry out the inspection and enforcement of this legislation. It is anticipated that wilful noncompliance will be rare. This is due to a strong social desire for environmental protection measures. Accordingly a gradual approach to enforcement of this legislation will be promoted. This will have a focus on compliance in the first instance.
- 3.7. Contravention of the requirements of the Regulations is a criminal offence which is punishable by either a Fixed Penalty Notice or if the breach is sufficiently serious, punishable by a fine up to the statutory maximum on summary conviction or an unlimited fine upon indictment.
- 3.8. Powers afforded to Officers allow investigation of offences by test purchasing and inspection of goods, as well as including powers to require documents or information where they reasonably believe there has been a failure to comply with the legislation. The Fixed penalty is £200. This is not in the regulations but was added to the Climate Change (Scotland Act) 2009 by the Regulatory Reform Scotland Act 2014.
- 3.9. The Scottish Government is working in partnership with Zero Waste Scotland to ensure that retailers are aware of their obligations prior to commencement of the legislation in October. Guidance for Enforcers has been published and arrangements have been made for additional staff training in readiness for the implementation date.
- 3.10. It is envisaged that the National and Local media will run articles and information campaigns in the run up to implementation. This is in addition to work being done by the Scottish Government and Zero Waste Scotland and this will raise awareness of the legislation amongst local business. Trading Standards Service will also make information available locally to businesses to supplement the national publicity campaign.
- 3.11. The Regulations do not impose any obligation on how the net proceeds of the charge should be used. The decision on how to use this money is one for individual businesses to make. The Scottish Government is encouraging retailers to donate the net proceeds of the charge to good causes in Scotland, particularly ones that benefit the environment and to publish information on donations.
- 3.12. Locally, from a brief survey of local businesses in Alloa, 94% knew about the carrier bag charge but not all businesses had yet decided how they would use the cash raised with 16% yet to decide. However 55.6% of the businesses are intending to donate to local charity or good causes albeit some had yet to decide who to donate to. There is therefore scope to persuade the undecided businesses to donate to causes that would benefit the local area and the service will pro-actively engage with them on that basis.

#### 4.0 Sustainability Implications

- 4.1. The aims of the regulations are fundamentally about introducing a more sustainable approach to use of natural resources, to help combat litter and our throwaway culture.
- 4.2. The regulations, made under the climate change act, are also aimed at tackling climate change.

#### 5.0 Resource Implications

- 5.1. There are no financial implications as a result of the new regulations.
- 5.2. *Staffing*
- 5.3. The enforcement of the regulations will require an allocation of staffing resource but the service will strive to meet this from within existing staffing resource minimising the impact upon other priorities.
- 5.4. Trading Standards will engage constructively with local traders to ensure that the requirements of this new legislation are met. Trading Standards Officers will support local businesses to implement the new requirements and monitor compliance with the legislation by incorporating it into their intervention programme.

#### 6.0 Exempt Reports

- 6.1. Is this report exempt?    Yes ☐ (please detail the reasons for exemption below)    No ☒

#### 7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

- (1) **Our Priorities** (Please double click on the check box ☒)

The area has a positive image and attracts people and businesses	<input type="checkbox"/>
Our communities are more cohesive and inclusive	<input type="checkbox"/>
People are better skilled, trained and ready for learning and employment	<input type="checkbox"/>
Our communities are safer	<input type="checkbox"/>
Vulnerable people and families are supported	<input type="checkbox"/>
Substance misuse and its effects are reduced	<input type="checkbox"/>
Health is improving and health inequalities are reducing	<input type="checkbox"/>
The environment is protected and enhanced for all	√
The Council is effective, efficient and recognised for excellence	<input type="checkbox"/>

(2) **Council Policies** (Please detail)

Clackmannanshire Single Outcome Agreement 2013-2023 and Working Together for Clackmannanshire – Community Planning Priority Outcome “The Environment is protected and enhanced for all.”

Taking Clackmannanshire Forward 2012-2017. Better Communities Priority Action 17 – “Promote a Sustainable Environment”

**8.0 Equalities Impact**

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes ☐ No ☒

**9.0 Legality**

9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes ☒

**10.0 Appendices**

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

None

**11.0 Background Papers**

11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes ☒ (please list the documents below) No ☐

The Single Use Carrier Bags Charge (Scotland) Regulations 2014

The Single Use Carrier Bags Charge (Scotland) Regulation 2014 Guidance for Retailers May 2014

Guidance for Local Authority Trading Standards on the Single Use Carrier Bags Charge (Scotland) Regulations 2014

**Author(s)**

NAME	DESIGNATION	TEL NO / EXTENSION
Ian Doctor	Regulatory Services Manager	x2577
Linda Hill	Trading Standards Team Leader	01786 233631

**Approved by**

<b>NAME</b>	<b>DESIGNATION</b>	<b>SIGNATURE</b>
Gordon McNeil	Head of Development and Environment	Signed: G McNeil
Garry Dallas	Executive Director	Signed: G Dallas

