

Respondent Information Form

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Are you responding as an individual or an organisation?

☐

☐ Organisation

Full name or organisation's name

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

x Publish response with name

We will share your response internally with other departments who may be addressing the issues you discuss. This may be in the future, but we require your permission to do so. The Scottish Government to contact you again in relation to this consultation exercise.

x Yes

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

Questionnaire

Question 1

What would you consider a reasonable minimum price for a single-use disposable beverage cup, which is visible and separate to the price of the drink, to meet the aims of the scheme: to reduce the use of these items towards reusable alternatives?

- ☐ a) £0.20
☒ b) £0.25
☐ c) £0.30
☐ d) £0.40
☐ e) £0.50
☐ f) Other amount (please specify)

- ☐ g. I don't know

Question 2

Please provide reasons for your answer to question 1. We would be interested in knowing your views on what price per cup would encourage behaviour change.

This response is based on the evidence provided by The Scottish Government itself as to the level of charge that would likely be initially effective, and the level of effectiveness and impact which is deemed acceptable.

Once the charge is introduced it would need to be reviewed periodically to ensure that it is achieving the desired behavioural change.

Question 3

Alternatively, Scottish Ministers could require suppliers to charge in regulations but leave it up to suppliers to choose the price they charge for a single-use beverage cup. This approach would be supported by guidance provided by the Scottish Government. This is similar to the approach that taken in the Netherlands. Do you prefer this approach?

x no

Question 4

Please provide reasons for your answer to question 3.

One of the objectives of the charge is to ensure retailers who “do the right thing” are not disadvantaged versus those who don’t. If the charge itself varies from retailer to retailer, this would not achieve this objective and would also confuse customers who may then incorrectly blame the retailers for the charge.

Having a defined and uniform cup charge, distinct from the price of the drink itself, sends consumers a clear and easily communicated signal that the charge is there and can be avoided.

In the carrier bags charging model it is important to note that cost is fully externalised, i.e. it must be in addition to the cost of the product. This document (page 15) seems to suggest that the price can remain the same but the division of cost for the cup is then done after the fact, which is slightly different. This is less transparent and may also serve to reduce the impact of the measure.

Care must also be taken that there is not a conflict between this legislation and the Consumer Protection from Unfair Trading Regulations 2008 in terms of misleading actions, omissions or aggressive commercial practices, as both the retailers themselves and local authority Trading Standards teams would then be likely to get unhappy customers complaining about overcharging/misleading prices.

Question 5

Do you agree the proposed exemption for single-use cups sold in schools is appropriate?

☒ yes

Question 6

Do you agree the proposed exemption for drinks sold from vending machines is appropriate?

☒ yes

Question 7

Do you agree the proposed exemption for settings where a reusable cup is not practical is appropriate?

Q5: An exemption for single-use cups sold in schools is possibly unavoidable due to the numbers of people involved, and the limited timeframes in which transactions will take place. However, if these are being taken off site they can still contribute to littering, as they would from a café, and in addition there is a cost to the school for disposing of any cups used on site. The impact of cups in terms of resource use are the same in schools as elsewhere. Therefore, The Scottish Government could potentially exempt them initially but should engage with educational catering services to look at ways to reduce their use (such as gradually replacing existing vending machines with ones which can accept specified reusable containers or promoting reusable and refillable containers). The concerns around a “disproportionate effect on some pupils, for example those in receipt of free school meals”, are noted. However, it could be that these can be overcome by providing ways to provide free reusable containers to pupils generally. It would be important to ensure that some groups of pupils are not stigmatised, by making them available to all pupils, which could potentially be a good use of the funds raised by the scheme itself and would help to normalise the behaviour change at an early age.

Q6: In the short term, many vending machines are not designed to accept reusable containers, and this can't be changed in the short term. However, some vending machines can do this, so over time it should be possible to replace the existing machines as they reach the end of life (which also avoids the associated environmental impact of replacing them ahead of time).

It depends too on how the vending machines are used, and whether or not the drinks are being dispensed for consumption on site or off. If it's onsite there could be alternative ways of providing drinks. On this basis, reluctantly, it might be necessary to exempt vending machines in the short term, due to the product design constraints, but this should be revisited as soon as practicable.

Q7 It's not really possible to answer this fully as it depends very much on the circumstances. In some of the examples given, such as events and festivals, an exemption would be questionable. People attending events know in advance whether or not they are likely to purchase drinks and in many cases are perfectly free to bring reusable cups with them if they choose to do so without compromising safety, and the events themselves are able to provide or sell reusable cups as souvenirs, etc, so this argument does not hold up in every case although it's acknowledged that there could be exceptions to this from a safety perspective.

In some cases, the justification for any exemption on the basis of being unavoidable could be open to interpretation (such as whether it's required for safety reasons or not) so The Scottish Government would need to consider how this can be arbitrated, and also should seek to restrict any exemptions to clearly defined situations both for this reason and to avoid watering down the legislation. Where this is the case, a mandatory recycling service could be considered instead. There are at least two nationwide commercial services in operation which people could use for paper cups.

Question 8

Do you think there should be other exemptions? Please provide as much detail and evidence as you can.

There is a possible case for exemptions in some health or social care settings where it may be challenging for the service user to use or access a reusable cup. However this would be situation dependent, and some hospital catering services do provide drinks in reusable plastic mugs (similar to picnic mugs), so it shouldn't be assumed that nothing can be done. Moreover, in these cases, the drinks are not usually being provided for a charge so would not fall under the scope of the regulations.

Question 9

Where do you believe the funds generated from the charge should be directed?

- ☒ a) to the advancement of environmental protection or improvement or for a similar purpose
- ☐ b) in line with the single use carrier bag charge – retained by business and encouraged to be donated to good causes on a voluntary basis
- ☐ c) collected by local or national government
- ☐ d) I don't know
- ☐ e) other, please provide as much detail as possible.

Please provide any information in support to your answer to question 9.

The whole purpose of the proposal is to encourage behaviour change to protect the environment so directing any income from the remaining disposable cups towards specifically environmental objectives would seem the obvious thing to do, preferably towards litter or recycling initiatives (albeit there is a small risk that this could mean some people could then choose disposable cups to raise funds).

An example is given in response to Question 5 where the funds raised could be used to support behavioural change in education, and also avoid economic disadvantage.

The plastic bag charge has worked well as a stand-alone charge which isn't collected by local or national government, so it's not seen as just another tax (although if it's stand-alone, local government should potentially still be able to benefit from any funding specifically directed towards litter or waste related initiatives from the charges.)

However, our Trading Standards service has highlighted the funding pressures under which local government is operating (see response to Question 11), as well as the need to ensure any funding allocation is equitable to take account of the particular pressures in different geographical areas (related to the extent of events or the numbers of retail premises).

If it were the case that the income was collected by Revenue Scotland, it would also therefore seem legitimate to direct any income from the scheme towards these regulatory activities.

Question 10

(Please only answer this question if you are a supplier of single-use disposable cups)
To what extent do you agree with the recording requirements as set out within the consultation document?

- ☐ a) Strongly agree
- ☐ b) Agree
- ☐ c) Neither agree or disagree
- ☐ d) Disagree
- ☐ e) Strongly disagree

Please provide any information in support to your answer to question 10.

Question 11

To what extent do you agree with the enforcement regime as set out within the consultation document?

- ☐ a) Strongly agree
- x b) Agree
- ☐ c) Neither agree or disagree
- ☐ d) Disagree
- ☐ e) Strongly disagree

Please provide any information in support to your answer to question 11.

While the overall approach appears reasonable, our Trading Standards service has emphasised that local authorities do not have capacity to absorb further duties within current funding, and any enforcement would need additional funding to assist in delivery of policy objectives, e.g. if it's the case that Revenue Scotland collects any income.

Strong consideration should be given to how this is to be weighted to likely sources of such items, particularly with regard to numbers of events, numbers of likely retail premises etc. within different parts of the country.

That team has also noted that they've had recent experience of single use plastics (e.g. forks) where retailers have attempted to circumvent that (single-use plastics) legislation by writing 'reusable' on the product. Care should be taken in legislative drafting to avoid such ambiguity.

Question 12

(Please only answer this question if you are a supplier of single-use disposable cups)
What are the challenges you face to introducing the charge?

Question 13

(Please only answer this question if you are a supplier of single-use disposable cups)
How much time do you think it would take for your business to prepare to implement the charge? Please provide reasons for your answer.

- ☐ a) within a couple of weeks
- ☐ b) one month
- ☐ c) two to three months

☐ d) upwards of six months

Question 14

(Please only answer this question if you are a supplier of single-use disposable cups)

What could the Scottish Government do to assist in helping your business implement the charge?

Question 15

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

No response

Question 16

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

No response

Question 17

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

Not applicable

Question 18

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

No response

Question 19

Please provide any further information or evidence that should be considered in the accompanying interim Strategic Environmental Assessment.

No response