



REPORT TO: THE MORAY COUNCIL ON WEDNESDAY 9 SEPTEMBER 2009

SUBJECT: BYELAWS : POLYTHENE CARRIER BAGS

BY: CHIEF LEGAL OFFICER

1. REASON FOR REPORT

- 1.1 To provide a further report on byelaws regarding the banning of the free issue of polythene carrier bags throughout Moray.
- 1.2 This report is submitted to the meeting in terms of Section II (5) of the Council's Administrative Scheme relating to the enactment of byelaws.

2. RECOMMENDATION

- 2.1 **The meeting note the passing of the Climate Change (Scotland) Act and that this has been remitted to the Greener Theme Group for their consideration.**

3. BACKGROUND

- 3.1 The meeting of Council on 30 January 2008 considered a written question from Councillor J Hogg regarding the probability of Scottish Ministerial approval of a byelaw banning the free issue of polythene carrier bags throughout Moray. The meeting decided the most appropriate response to the question would be for the Chief Legal Officer to seek the advice and guidance of the Scottish Ministers in respect of both the expediency and legality of such a byelaw (para 4 of Minute of Meeting dated 30 January 2008 refers).

4. REPORT

- 4.1 The Climate Change (Scotland) Act contains provisions that aim to improve waste management and recycling in Scotland in order to move towards zero waste. Reducing, reusing or recycling waste will also contribute to lowering Scotland's greenhouse gas emissions and mitigate climate change.
- 4.2 The Scottish Government proposes to reduce the number of carrier bags in circulation by the introduction of charges for the supply of carrier bags and for the net proceeds of charges to be applied to environmentally good causes.

5. SUMMARY OF IMPLICATIONS

(a) **Single Outcome Agreement/ Community Plan /Corporate Plan/ Service Improvement Plan**

In terms of National Outcome 14 the Single Outcome Agreement states that public agencies in Moray are currently working to reduce their carbon footprint and Moray is at the forefront in recycling activity in Scotland. Consequently, this area is not used as a strategic priority for improvement at present though the National Outcome will be reviewed by the Greener Theme Group for 2010. None the less, Waste Management has been listed as a local outcome to ensure Moray is planning for the future. Additionally the Greener Theme Group is addressing future environmental priorities such as carbon management and climate change.

(b) **Policy and Legal**

The Council's existing policies will require to be reviewed in terms of this new Act.

(c) **Resources**

Costs may arise for Local Authorities if regulations apply an enforcement duty.

(d) **Consultations**

This report has been prepared in consultation with Bridget Mustard, Corporate Policy Unit Manager, Stewart Halkett, Head of Development Services and Emma Gordon, Planning Officer

6. CONCLUSION

- 6.1 The issue raised will now be addressed by primarily legislation namely the Climate Change (Scotland) Act.

Author of Report: Roddy Burns, Chief Legal Officer

Background Papers: Climate Change (Scotland) Act; Explanatory Notes and Policy Memorandum

Ref: RDB/VM

Signature: 

Date: 25th August 2009

Designation: Chief Legal Officer

Name: Roderick D Burns