

Zero Waste (Scotland) Regulations – Draft BRIA

November 2011

Introduction

The FSB is Scotland's largest direct-member business organisation, representing over 20,000 members. The FSB campaigns for an economic and social environment which allows small businesses to grow and prosper.

FSB Scotland has raised the issue of small business waste management throughout the development of the Zero Waste Regulations. We appreciate the opportunities we have had to participate in discussions about the regulations with the Scottish Government and Zero Waste Scotland (ZWS) and look forward to continuing this dialogue as we move towards implementation. We believe that the Zero Waste Regulations are likely to be the most far-reaching environmental regulations to impact on Scottish businesses in recent years. We therefore welcome the opportunity to submit some formal written comments on the Draft Business and Regulatory Impact Assessment.

Comments

Costs to Business

We recognise the substantial time that has been devoted to conducting a comprehensive BRIA, particularly in relation to capturing Scotland-wide costs and benefits. This analysis is helpful in terms of policy outcomes and potential economic benefits for Scotland.

To assist discussion of the impact of the proposals, however, the FSB is keen to ensure that the real impact on businesses is adequately captured.

We recognise the difficulty in doing this effectively for Zero Waste, given the range of variable factors e.g. type and quantity of waste, frequency of collection, prevention of waste actions, available collection services.

There has been an attempt to demonstrate the impact on business, using the ZWS case study in the annex, while earlier discussions about costs for the business are limited to sector-wide costs broken down by number of entities.

Given the reach of the regulations, in terms of the number of businesses that will be affected, we do not believe that this goes far enough in illustrating costs.

The ZWS case study is useful but does not reflect the actual impact of the regulations on business, since it is based on a small business experiencing intensive on-site support to realise cost savings across the business and source a recycling collection service. This is unlikely to be the situation for most small (especially micro) businesses as they address compliance with the regulations.

Recognising that any examples would be dependent upon a range of factors, as discussed above, we believe that it would be helpful to work up some examples of compliance costs (in terms of cost and time) for micro businesses. This would require examining current non-compliant waste collection practice and costs for a business, then assessing the cost (or saving) of becoming compliant. Opportunities that could arise from compliance may be included as a next step. A small number of examples would assist our understanding of the impact on businesses, as well as providing useful information for communication and awareness-raising. The FSB would be pleased to assist the development of this improvement to the BRIA, if it would be helpful.

Enforcement

While existing enforcement powers will remain unchanged, we have a number of questions about how enforcement will work in practice, particularly in the immediate period after the regulations take effect. Given the reach of these regulations, we are keen to ensure a more robust approach to enforcement policy to ensure transparency, proportionality and consistency.

The role of local authorities in relation to enforcement needs to be discussed further, particularly given recent poor practice in local implementation of national regulations.

We believe that there may be an opportunity to demonstrate best-practice by developing consistent enforcement policy for Zero Waste regulations. This would probably involve the establishment of a short-life working group, with a view to developing an agreed approach which would be used by all enforcement authorities. It is likely that the Regulatory Review Group (RRG) would support such an approach.

We would be happy to discuss the issues raised in this response in more detail.

For further information on any of the points raised in this submission, please contact Susan Love, susan.love@fsb.org.uk t: 0141 221 0775.