

CEREDIGION COUNTY COUNCIL

Report to:	Healthier Communities Overview and Scrutiny Committee
Date of meeting:	22 November 2023
Title:	Ban on the sale and supply of certain single-use plastic products in Wales becomes law.
Purpose of the report:	To inform Scrutiny of new legislation banning the sale and supply of certain single-use plastic products in Wales.
Reason Scrutiny have requested the information:	n/a

Background

Plastic takes hundreds of years to break down and causes damage to our oceans, rivers, and on land. Plastic pollution is also a source of greenhouse gas emission because of how it is manufacture and the way it is disposed.

When Welsh Government consulted on the ban in 2020, it identified that annually in Wales some 226 million units of plastic cutlery were sold, along with 173 million plastic straws, 5.7 million plastic stirrers, 26 million polystyrene cups, 30 million plastic bud sticks and 1 million plastic balloon sticks.

Current Situation

The Environmental Protection (Single-use Plastic Products) (Wales) Act 2023 (“the Act”) introduces Stage 1 of the ban on businesses and organisations in Wales to sell or supply certain single-use plastic products to consumers – which came into effect on the 30th October 2023.

The Act makes it a criminal offence for businesses and organisation to supply the following products:

- Single-use plastic plates
- Single-use plastic cutlery – like knives, forks and spoons
- Single-use plastic drinks stirrers
- Cups made of some types of polystyrene
- Takeaway food containers made of some types of polystyrene
- Plastic sticks for balloons
- Single-use plastic-stemmed cotton buds
- Single-use plastic drinking straws – apart from people who need them to eat and drink safely and independently.

The ban will affect retailers, food vendors, takeaways and the hospitality industry and will apply to supplies both over the counter and online. There are however a number of exemptions, for example that permitting pharmacies to continue to provide plastic

straws in cases where individuals need them to eat and drink safely and independently. Other exemptions will see plastic stemmed cotton buds still being used in healthcare settings and plastic spoons permitted with the supply of liquid medicines in order to measure dosage.

Stage 2 bans will come into force by April 2026. This will affect the supply of the following products:

- Single use plastic carrier bags
- Polystyrene lids for drinks and food containers
- Products made from a type of plastic called oxo-degradable plastic

It is envisaged that, as was the case with the introduction of the single use carrier bag charge some years ago, the new law will embed itself smoothly, with full compliance being achieved.

It is anticipated that as a result of similar bans already introduced elsewhere in the UK (Scotland in 2022 and England on 1st October 2023), those larger scale businesses trading across the different administrations will have already introduced the necessary changes. Further down the line, should enforcement action be required in the case of any on-going non-compliance, then the Act makes provision for a number of enforcement options which include civil sanctions as well as prosecution.

The Act has also introduced new enforcement powers for local authorities to effectively enforce the new legislation. Only officers appointed by a local authority in Wales can exercise the enforcement powers contained in the Act to enforce the ban on single-use plastic products.

Therefore, officers within Public Protection, namely Environmental Health, Trading Standards and Licensing officers, require authorisation under the Environmental Protection (Single-Use Plastic Products) (Wales) Act 2023 and any associated regulations to fulfil this function on behalf of Ceredigion County Council. For this to happen, Council will need to delegate this function to the Corporate Lead officer for Policy, Performance and Public Protection.

Public Protection officers from the Council's Public Protection will continue to work with local businesses to achieve compliance with the new requirements, offering advice and signposting to sources of information. This will be achieved largely through existing inspection regimes. However, if necessary, the council will take enforcement action against those that deliberately fail to comply with the legal requirements.

Wellbeing of Future Generations:

Has an Integrated Impact Assessment been completed? No

If, not, please state why.

Summary of Integrated Impact Assessment:

Long term:

Collaboration:

Involvement:

Prevention:

Integration:

Recommendation(s):

For information.

Reasons for decision:

For information.

Contact Name:

Carwen Evans/Anne-Louise Davies

Designation: Trading Standards & Licensing

Officer **Date of Report:** 30/10/2023

Appendix A:

Welsh Government Guidance: [Draft guidance for bans and restrictions on single-use plastic in Wales \(gov.wales\)](#)



Llywodraeth Cymru
Welsh Government

THE ENVIRONMENTAL PROTECTION (SINGLE-USE PLASTIC PRODUCTS) (WALES) ACT 2023

**Statutory guidance for bans and
restrictions on single-use plastic in Wales**



AUDIENCE

This guidance document is aimed at businesses and organisations that will need to comply with bans under the Environmental Protection (Single-use Plastic Products) (Wales) Act 2023.

OVERVIEW

This document provides guidance for the Environmental Protection (Single-use Plastic Products) (Wales) Act 2023 (the Act).

This statutory guidance is made under section 2(3) of the Act, which confers a duty on the Welsh Ministers to prepare and publish guidance on:

- (a) the single-use plastic products that are prohibited under the Act; and**
- (b) the application of any exemptions listed in column 2 of the Table in paragraph 1 of the Schedule to the Act.**

ACTION REQUIRED

Businesses or organisations will need to stop supplying the banned products set out in the Act from the dates listed.

Enquiries about this document should be directed to:

Local Environment Quality
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

e-mail: singleuseplastic@gov.wales

Contents

2

Single-use plastic bans in Wales

6

What are the offences under the Act?

7

How do I comply with the bans?

8

Are there any exemptions?

9

Why have we added exemptions?

10

What are the alternatives to single-use Plastic?

12

Support for businesses

13

Annex A. Definitions

16

Annex B. Description of materials

17

Annex C. Disposing of products

Single-use plastic bans in Wales

Why are we banning single-use plastic products?

Evidence gathered from beach litter surveys show that plastic is the most common type of material found littered on Welsh beaches. While it can sometimes be difficult to identify where this plastic has come from, it is often associated with products that people use to eat and drink “on-the-go”. As these products are often provided to people at low, or no cost, they are usually thrown away without thought, which can cause harm to wildlife and our environment. Others have been disposed incorrectly down the toilet, for example cotton buds.

To help prevent this environmental damage, many communities and businesses across Wales have already begun to move away from unnecessary single-use plastic. Our bans aim to build on this action and stop the flow of harmful plastics into our environment. The Welsh Government wants to shift society away from a throwaway culture and encourage greater reuse of products to help reduce the amount of waste being generated. Our goal is to create a more sustainable Wales, one which we are proud to hand on to future generations.

How are we banning single-use products in Wales?

To help Welsh Ministers tackle plastic pollution, the Environmental Protection (Single-use Plastic Products) (Wales) Act 2023 (the Act) was passed by the Senedd Cymru on 6 December 2022. The Act includes a table which lists several commonly littered single-use plastic products which are to be banned in Wales (unless there are certain exemptions). This guidance includes details of which products are included and what needs to be done to comply with the law when it comes in force.

The Act will also allow Welsh Ministers to add other single-use plastic products to this list if action is required to tackle environmental damage caused by other single-use plastic products which fall within the definitions in Section 1 of the Act. This will be done by introducing new regulations and involve a public consultation before any changes are made.

What is being banned and when?

The Act currently covers 10 specific single-use plastic products and those single-use plastic products made of oxo-degradable plastic. To ensure businesses, organisations and the public have enough time to prepare for these bans, we are introducing them in phases. Details of these phases and the products being banned in each phase is outlined in the guidance below.

PHASE ONE BANS

from 30 October 2023

The supply of the single-use plastic products listed here will be banned in Wales.



Single-use plastic plates



Single-use plastic cutlery



Single-use plastic drink stirrers



Plastic sticks for balloons



Single-use plastic-stemmed cotton buds



Takeaway food containers made of expanded or foamed extruded polystyrene



Cups made of expanded or foamed extruded polystyrene



Single-use plastic drinking straws*

*with exemptions for people who need them to eat and drink safely and independently.

PHASE TWO BANS

Work is currently ongoing to prepare for the ban of single-use plastic carrier bags, polystyrene lids for drink and food containers and products made of oxo-degradable plastic. As some of these bans will require changes to existing regulations and additional time for businesses and organisations to find alternatives, these products will NOT be banned in phase one in October 2023.

We expect these bans to be introduced by **Spring 2026**.

Guidance will be published before the bans come into force for these products.

What does a ban mean?

It means you will not be allowed to sell or give away for free, any of the single-use plastic products described in this guidance to a consumer in Wales, unless there is an exemption provided.

Can the bans change?

Yes, it is the intention of the Welsh Government to increase the type of single-use plastic products that will be banned in Wales. We are aiming for bans for single-use plastic carrier bags, polystyrene lids for drink and food containers and products made of oxo-degradable plastic to be in place by Spring 2026. We will publish guidance on these bans before they are introduced.

The Act also allows the Welsh Ministers to make changes to the list of banned single-use plastic products and the exemptions. We need to do this by making regulations (these are a type of law). The Senedd must pass a vote agreeing to the changes before they become law. If we want to change the list by introducing regulations, we will consult on our proposals.

Are non-plastic single-use alternative products also being banned?

The ban will **NOT** apply to products covered in this guidance which are made of other types of material, for example wooden cutlery or cotton buds with cardboard stems.

However, the ban **will** apply if the non-plastic alternative product is **coated, lined, or laminated with plastic**. For example, a single-use plate made of paper which is coated or lined with a layer of plastic will be banned.

What type of plastic is included in the ban?

Details of the types of plastic included in the ban of the 10 specific single-use plastic products can be found in **Annex A** (Page 14). Whilst most single-use plastic products being banned will be made from traditional “**synthetic**” plastic (which is plastic derived from crude oil, natural gas or coal), the Act allows products made of other types of single-use plastic to also be covered. This can include:

- **bio-based** plastics which directly replace their fossil-fuel based counterparts, as they have the same chemical structure and properties.
- Fossil-fuel based **compostable** plastics where the plastic may present a contamination risk to the recycling stream, often require certain conditions before they breakdown (sometimes only partially breaking down which can result in microplastics) and their manufacturing processes may use toxic chemicals.

This is because whilst some bio-based plastics and compostable plastics may often be marketed as an environmentally friendly option, they can also be problematic.

Who does the ban apply to?

The ban applies to the supply of single-use products to consumers in Wales and affects all business and organisations, and any person who owns, manages or has substantial control over the business, organisation or undertaking such as:

- A body corporate (a business or company)
- A partnership
- A person acting as a sole trader
- A government body or other public service provider (For example a school or Council)
- A charity, club, syndicate or voluntary organisation.

The ban does **NOT** apply to the supply of these products between businesses or organisations. For example, a wholesaler can still supply single-use plastic straws to a restaurant (please see details on exemptions below).

Examples of those who will need to stop supplying single-use plastic products to consumers (unless there are exemptions):

- Hospitality and retail businesses – For example, cafés, bars, restaurants, hotels, takeaways, supermarkets, online stores, a market trader, online seller, food stall operator, cinemas and/or festivals.
- Organisations and not-for profits – For example, schools, charities, government bodies, community services, health services and/or sports clubs.

What are the offences under the Act?

When the bans come into effect, in Wales, it will be a criminal offence to:

- Supply or offer to supply any of the banned single-use plastic products (including for free) to consumers in Wales, unless there is an exemption (these can be found below)
- Display any of the banned single-use plastic products (including drinking straws) or allow customers to help themselves
- Intentionally obstruct an officer of a local authority (Council) when they are conducting an inspection of your premises.

Understanding what the law will be in Wales

Businesses and organisations are liable for any offences committed by their employee(s). It is, therefore, the responsibility of businesses or organisations to ensure that those working for them understand what single-use plastic products are banned and whether there are any exemptions in place.

Possession of a single-use plastic product included in the bans is **NOT** an offence. The offence is committed **only** where the products are supplied to a consumer in Wales or are offered for supply on premises in Wales.

It **is** an offence for businesses and organisations to arrange for the delivery of the product to a consumer at an address in Wales, even if the business or organisation is outside of Wales.

Purchasing a banned or restricted product when outside Wales will **NOT** be an offence.

The offence does **NOT** apply to individuals who supply products to other individuals. For example, it will not be an offence to give your family member a single-use plastic plate if you have one at home. The ban intends to remove these products from the supply chain before they reach the consumer.

The bans will be enforced by local authorities (Councils) and they have powers to enter and inspect a premise, make test purchases and remove banned goods.

If you commit an offence then you may be tried in a Magistrates Court and if found guilty, the Court may impose an unlimited fine. Alternatively, you may be subject to civil sanctions.

How do I comply with the bans?

Businesses and organisations should take steps now to start planning for the new law by following the advice below.

From 30 October 2023:

- Stop providing customers with banned single-use plastic products
- Make sure staff are aware of the bans and comply with the law, training should be provided to help them understand the effect of the new law on their work
- Tell customers about these changes
- If you have single-use plastic products left over when the bans come into effect, speak to suppliers, your local council or trade association about how to recycle it
- Once the bans are in force, businesses and organisations will be responsible for paying any costs they incur recycling or disposing of excess stock.

Are there any exemptions?

The Act contains exemptions for some of the banned products. The Act gives the Welsh Ministers the power to lay regulations to remove or amend existing exemptions where they think this is needed. Regulations would have to be approved by the Senedd before they become law.

Details of existing exemptions are provided below. Please note details on exemptions in relation to single-use plastic carrier bags will be included once those bans come into place.

Single-use Plastic Product	Exemption
Straws	<p>Pharmacies</p> <ul style="list-style-type: none"> Community pharmacies, including online pharmacies, can continue to sell straws or packets of straws to consumers who say they need them for health or disability reasons. <p>Businesses and organisations</p> <ul style="list-style-type: none"> Can be provided in connection with the provision of care for someone else. For example, someone providing health, medical or social care can provide one if they reasonably believe one is needed for health or disability reasons. Can be sold or provided free of charge accompanying food or drink to a person who says the straw is needed for health or disability reasons, for that person or for someone else to consume the food or drink. Straws used for medical care or treatment.
Cups	A cup that is not made of expanded or foamed extruded polystyrene.
Takeaway food containers	A takeaway food container that is not made of expanded or foamed extruded polystyrene.

To note: If you require a straw, you will NOT need to provide proof of need to access a single-use plastic straw.

Why have we added Exemptions?

Straws

We recognise some people will need access to single-use plastic straws to help them to eat or drink independently. To ensure this can happen, businesses and organisations (*including pharmacies*) can continue to supply drinking straws to those who require them. By doing this we also make sure that businesses and organisations meet their legal obligations to provide reasonable adjustments under requirements set out in **The Equality Act 2010**.

It should be noted the stocking and supply of a single-use plastic straw is a matter for an individual business or organisation.

Cups and takeaway food containers








These exemptions mean that a cup or takeaway food container that is made of a different material from expanded or foamed extruded polystyrene is **NOT** included in the ban. Other types of takeaway cups and food containers are not included in the ban, even if made of other plastic materials.

What are the alternatives to single-use Plastic?

We believe the bans provide an opportunity for people to think differently about how they go about their daily lives. Rather than buying and supplying single-use products to customers, businesses and organisations could supply reusable products to reduce waste. Where this is not possible businesses and organisations should look to supply non-plastic single use products.

Choosing reusable products could help save money, as well as benefiting the environment. Studies show, for the products being banned, reusable products are better for the environment compared with non-plastic single-use alternatives.

We have devised a traffic light system to show which types of products are better for our environment.

Single-use Plastic Product (Banned)	Non-plastic Single-use Product (Better for the environment)	Re-useable Product (Best for the environment)
 Plastic plates	Paper/Bagasse (sugarcane)	Ceramics/Wood/Re-useable Hard Plastic
 Plastic cutlery	Wood	Metal/Re-useable Hard Plastic
 Plastic drink stirrers	Wood/Paper	Metal/Re-useable Hard Plastic
 Plastic drinking straws	Paper	Metal/Re-useable Hard Plastic
 Plastic-stemmed cotton buds	Paper	Re-useable Plastic (Silicon)
 Plastic sticks for balloons	Paper/Wood	N/A
 Cups made of polystyrene	Paper/Bagasse	Glass/Re-useable Hard Plastic/Ceramics
 Takeaway food containers made of polystyrene	Card/Bagasse	Metal/Re-useable Plastic

(A list of these materials can be found in Annex B)

Which type of products should I use?

Where it is not possible to switch to reusable alternatives, we encourage the use of single-use products made of materials which easily biodegrade, such as paper, wood and cardboard. This is based on evidence from Life Cycle Analysis studies, which recommend the best alternatives for environmental protection.

Life Cycle Analysis allows us to compare the environmental impact of products made of different types of materials. We have utilised the [European Commission's Life Cycle Inventories of Single Use Plastic Products and their Alternatives report](#) and the more recent reviews of [Life Cycle Analysis by the United Nations](#) to support our recommendations of alternative products that are better for our environment.

Support for businesses

Business Wales is the Welsh Government's bilingual business support service, which provides a range of general business advice, information and signposting to encourage the creation, growth and sustainable development of micro businesses and small-medium sized enterprises (SMEs).

Business Wales, also provides specialist strands of advice and support on topics such as resource efficiency.

Resource efficiency is now more important than ever, for reducing overheads, and to drive Wales towards a low carbon, low waste sustainable economy.

Business Wales Resource Efficiency Advisers are available to support businesses to adopt or improve environmental strategies. They work with businesses towards creating a resource efficient and resilient business model by providing a range of advice and one to one support. They also provide access to workshops on issues such as using fewer raw materials to help reduce the risk of material scarcity, driving innovation and resilience, and helping businesses reach new markets.

In addition to:

- helping businesses in reducing overheads and increasing profitability
- helping businesses comply with health, safety and environmental legislation
- enhancing the business image with customers, employees and the local community and
- improving the workplace and the local environment.

For further support or business advice, you can contact:

Call: 03000 603 000

Email: Businesssupport@gov.wales

Or visit the Business Wales Website

[Business Wales \(gov.wales\)](http://BusinessWales.gov.wales)

The Business Wales Helpline opening hours for calls are 10am – 4pm, Monday to Friday except on public holidays.

Annex A: Definitions

To help understand what the bans mean and what products are included we have provided an overview of the key parts of the Act below.

What do we mean by plastic product?

This is a product that is wholly or partly made of plastic, including products with a plastic lining or coating. For example, a paper plate with a plastic coating is banned.

What do we mean by plastic?

Plastic means a material consisting of a polymer, other than an adhesive, paint or ink, and includes a material consisting of a polymer which has other substances added to it.

A polymer can function as the main structural component of a product. It does not include a natural polymer which has not been chemically modified.

This means that products that are made of **fossil fuel-based plastic** and plastic made of **naturally occurring polymers** which directly replace their fossil-fuel based counterpart, as they have the same chemical structure and properties are included in the ban. This can include **bio-degradable** and **compostable plastic**.

Please note you will need to seek further advice from your supplier to determine whether the type of plastic being used in the product covered by our legislation is being banned.

What do we mean by single-use?

This means any product that is not designed or manufactured to be used more than once before being disposed of.

What do we mean by supply?

A person commits an offence if they sell or provide a banned product free of charge to a consumer in Wales. This includes both on premises in Wales (for example a shop) or by arranging for the delivery to a consumer in Wales (for example online).

Definition of products banned during Phase 1

These are products which will be banned from 30th October 2023.

What do we mean when we say a single-use plastic plate?

This is a flat receptacle designed to hold food for eating but **NOT** for serving.



What do we mean when we say single-use plastic cutlery?

Cutlery means a fork, knife, spoon, chopstick or other utensil (for example a “spork”) which has been designed to be used for consuming or serving food.

Spoons that come with medicines are **NOT** included in the ban.



What do we mean when we say a single-use plastic drink stirrer?

This is a stick designed to be used for stirring a hot or cold drink or liquid food. Drinks stirrers made of a material which has been coated, lined, or laminated with plastic are also included.

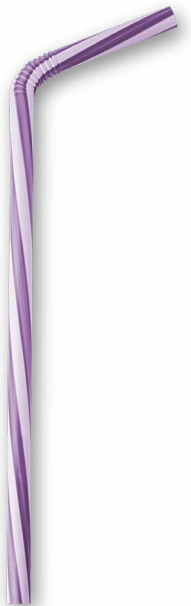


What do we mean when we say a single-use plastic straw?

A straw designed to be used for consuming liquid food or drink, including straws attached to cartons. Straws made of a material which have been coated, lined, or laminated with plastic are also included. There are exemptions (see below).

Exemption:

- **retail pharmacies** can continue to sell straws or packets of straws to consumers who say they need them for health or disability reasons
- can be provided in connection with the provision of care for someone else. For example, someone providing health, medical or social care can provide one if they reasonably believe one is needed for health or disability reasons
- can be sold or provided free of charge **accompanying food or drink** to a person who says the straw is needed for health or disability reasons to **consume the food or drink**
- Straws used for medical care or treatment.



You will **NOT** need to provide proof of need to access a single-use plastic straw.

What do we mean when we say plastic-stemmed cotton buds?

A cotton bud is a small, thin stick with cotton wool attached around one or both tips, designed to be used for cosmetic applications or personal or animal hygiene.

Forensic and medical swabs are **NOT** included in the ban.

**What do we mean when we say plastic sticks for balloons?**

This is a stick, including any attached mechanisms, designed to be attached to a balloon so that it may be carried or supported.

What do we mean when we say expanded or foamed extruded polystyrene?

Polystyrene where the polymeric material is expanded at any point during its manufacture by any means (such as heat from steam and expansion during cooling) using any blowing agent (such as butane, pentane and propane).

Expanded or foamed extruded polystyrene cups

A cup that is made of expanded or foamed extruded polystyrene. A cup is something designed to be used to hold liquid food or drink for consumption. For example, they are often used for hot, takeaway food and drinks as they help keep it warm. They are sometimes used in takeaway food outlets for serving beans, peas or curry sauce.

**Expanded or foamed extruded polystyrene takeaway food containers**

Takeaway food container means a receptacle other than a plate (for example a bowl, box, cone, portion pot or clam shell-type containers), designed or manufactured to be used to take food away from the place where it is provided. The food is ready to be consumed without any further preparation, such as cooking, boiling or heating and is normally eaten immediately.

These products are sometimes used to serve foods such as fish and chips, burgers, fried chicken and side orders such as beans, mushy peas or curry sauce.



Annex B:

Description of Materials

Bagasse: the dry fibrous material formed after crushing sugarcane to extract its juice. This is an eco-friendly material which is biodegradable.

Bamboo: fast-growing and durable plant material.

Cardboard: like paper but thicker and more durable. It is made from natural materials.

Glass: hard and transparent, made from sand and heated, it is durable and able to be used as an alternative to single-use plastic.

Metal: a chemical element, such as iron or gold, or a mixture of such elements, such as steel, that is generally hard and strong, and through which electricity and heat can travel. Items made of metal can be reused and recycled.

Paper: material manufactured from the pulp of wood.

Re-useable hard plastic: many items like a KeepCup are made of plastic with the intention of being reused.

Wood: hard and fibrous material which forms the main substance of a tree branch or trunk. Can be processed and used for plates, cutlery and drinks stirrers.

Annex C: Disposing of products

When a ban is in force, businesses and organisations will no longer be able to supply the banned product and will need to bear the cost of disposing any unused stock.

To avoid this businesses and organisations may want to stop buying the single-use plastic products that are to be banned. This could help avoid building-up stock and avoids any potential difficulty in disposing them once the bans are in place.

If there is stock still available after a ban begins, we would advise the business or organisation to contact their local Council to determine what recycling facilities are available to dispose of the stock.

this document provides more detailed information on what to do with certain waste materials.

We recognise some of the smaller products, such as cutlery, straws and stirrers are difficult to recycle due to their size and shape. This is one of the reasons they have been included in the bans.








For others, such as those made of polystyrene, the recycling process is complex, which means not all polystyrene is recyclable. Businesses and organisations in the UK can arrange collection of waste polystyrene by a licensed carrier to transport to an appropriate recycling facility where it will be sorted, cleaned, and recycled if possible.

The Waste Hierarchy

The Welsh Government's statutory [Guidance on Applying the Waste Hierarchy](#) booklet ranks waste prevention and management options according to what is best for the environment. Page 13 of

Help identifying different types of plastic

Plastic products are required to have a marking on them which identifies the type of plastic they are made of. This can also help with correct disposal and recycling.

						
PETE	HDPE	PVC	LDPE	PP	PS	OTHER
Polyethylene Terephthalate	High Density Polyethylene	Polyvinyl Chloride	Low Density Polyethylene	Polypropylene	Polystyrene	Other