

CYNGOR SIR CEREDIGION COUNTY COUNCIL

Report to: Cabinet

Date of meeting: 05/12/23

Title: Ban on the sale and supply of certain single-use plastic products in Wales becomes law.

Purpose of the report:

1. To inform Cabinet of the new legislation banning the sale and supply of certain single-use plastic products in Wales.
2. To inform Cabinet of the intention (via Council) to amend the Constitution to delegate the enforcement function within the Environmental Protection (Single-use Plastic Products) (Wales) Act 2023 to the CLO for Policy, Performance and Public Protection so that public protection staff can be authorised to enforce the Act.

For: Information

Cabinet Portfolio and Cabinet Member:
Councillor Matthew Vaux, Cabinet Member for Partnerships, Housing, Legal and Governance and Public Protection

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? If not, please state why.

No IIA is required as this is an Act of the Welsh Senedd and duties are imposed on the Council.

Summary of Integrated Impact Assessment: Not applicable

Recommendation(s):

That Cabinet note the content of the report.

Reasons for decision:

N/A

Overview and Scrutiny:

The Healthier Communities Overview and Scrutiny Committee received a similar report on the 22/11/23.

Policy Framework:

Environmental protection

Corporate Well-being Objectives:

Creating caring and healthy communities

Creating sustainable, green and well-connected communities

Finance and Procurement implications:

No additional funding has been made available from Welsh Government. It is hoped that compliance levels will be high. The service will need to absorb additional costs.

Legal Implications:

There may be additional prosecutions.

Staffing implications:

None

Property / asset implications:

None

Risk(s):

The risk is that compliance will be poor requiring more intervention and resources than expected. We will take an engagement, educational and encouraging approach initially to mitigate this risk.

Statutory Powers:

The Act provides enforcement powers to the Local Authority

Background Papers:

None

Appendices:

Welsh Government Guidance: [The Environmental Protection \(Single-Use Plastic Products\) \(Wales\) Act 2023 \(gov.wales\)](#)

Corporate Lead Officer:

Alun Williams, Corporate Lead Officer: Policy, Performance and Public Protection

Reporting Officer:

Anne-Louise Davies, Trading Standards & Licensing Manager

Date:

16/11/2023

CYNGOR SIR CEREDIGION COUNTY COUNCIL

<u>Report to:</u>	Cabinet
<u>Date of meeting:</u>	5 December 2023
<u>Title:</u>	Ban on the sale and supply of certain single use plastic products in Wales becomes law
<u>Purpose of the report:</u>	To provide feedback from the Healthier Communities Overview and Scrutiny Committee following its meeting on the 22 November 2023

Background:

Members of the Healthier Communities Overview and Scrutiny Committee considered a report on the ban on the sale and supply of certain single use plastic products in Wales law.

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Recommendation:

Following discussion, Committee Members agreed to receive the report for information only.

Councillor Caryl Roberts
Chair of the Healthier Communities Overview and Scrutiny Committee