

Consultation on the draft Single Use Carrier Bag Charge (Wales) Regulations 2010

Responses due by 2 August 2010

The questions are listed below. Please provide your responses by email to carrierbagconsultation@wales.gov.uk

Or you may respond through the following media:

SKY

- Press the Interactive button
- Choose DirectGov
- Press '**Select**' on welcome page
- Choose **#1 - Local Services**
- Choose Option 8. **Wales**
- Choose Option 8. **Welsh Assembly Government**

VIRGIN

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- Select News & Info
- Select **Looking Local**
- Choose Option 8. **Wales**
- Choose Option 8. **Welsh Assembly Government**

Nintendo Wii & PC

Enter the following url into your browser: lookinglocal.gov.uk/wag

MOBILE

Via any web enabled phone enter the following url: lookinglocal.gov.uk/wag

We are particularly interested in your responses to the following questions. Please feel able to comment upon any aspect of the proposals. However, you do not need to answer all the questions unless you have views on all of them.

If you have any queries about the consultation document, you can contact the Local Environment Quality team on the email address above or on 02920 826230.

Freedom of Information Act 2000 – Confidentiality of Consultations

The Welsh Assembly Government will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Welsh Assembly Government can only refuse to disclose information in exceptional circumstances.

Before you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this consultation.

The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely, the Welsh Assembly Government in this case. This right of access to information includes information provided in response to a consultation.

The Welsh Assembly Government cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or be treated as confidential. Usually, the name and address (or part of the address) of its author are published along with the response, as this gives credibility to the consultation exercise.

If you would prefer for your response not to be published, or to be published but not attributed, please include an explanation in your response.

You should also be aware that there may be circumstances in which the Welsh Assembly Government will be required to communicate information to third parties on request, in order to comply with its statutory obligations. This includes its obligations under the Data Protection Act 1998, the Freedom of Information Act 2000, and the Environmental Information Regulation 1992.

For further information on the Assembly's Code of Practice in dealing with requests for access to information it holds please visit our website:

www.information.wales.gov.uk

Questions

Types of bags subject to the charge

Question 1 - Do you agree with the definition of single use carrier bags contained in Regulation 3 of the draft Regulations?

No Please explain why

Don't agree that the definition should include paper bags as they can be home composted* or composted via their Local Authority kerbside scheme. Plastic carrier bags are more prevalent as wind blown litter and should therefore be the target of the charge.

* It is stated that compostable bags are an environmentally friendly alternative when used and then composted; surely this applies to paper bags that are subsequently home composted?

Compostable bags - by their very nature, bags accredited as being compostable are *not* 'single use'. They can be used to carry goods as are single-use plastic bags but have a very practical and valuable afteruse as liners for caddies for the collection of foodwaste.

Question 2 - A 'bag for life' must meet certain size and thickness requirements, be intended for reuse, be purchased and when worn out is returned to the place where purchased to be recycled and replaced free. Do you agree with the definition of 'bag for life' which is set out in regulation 3(3)?

Yes

No Please explain

YES

Who should charge for bags?

Question 3 – Do the draft Regulations make clear who will need to charge for a single use carrier bag?

Yes

No Why not?

YES

Amount of the charge

Question 4 - Please tick one of the following:

	Please tick only one	How much?
7p is an appropriate level for the charge	<input type="checkbox"/>	
The charge should be more than 7p	<input type="checkbox"/> YES	15p
The charge should be less than 7p	<input type="checkbox"/>	
I do not agree with the charge	<input type="checkbox"/>	

Question 5 - Will a 7p charge stop you from using single use carrier bags?

Yes

No Why not?

It is stated that 7p is the cost on society – there needs to be some room for increased costs of each bag due to smaller quantities being produced. There should be a clause to enable an increase at a later date, should the sale of bags start to increase.

Maybe Why?

Bags to be exempt from the charge

Question 6 – Do you agree with the proposed exemptions to the charge?

Exemption	Agree	Disagree
Bags used solely to contain unpackaged food intended for human or animal consumption		See NOTE 1
Bags used solely to contain loose, unpackaged seeds, bulbs, corms, rhizomes or tubers	YES	
Bags used solely to contain any unpackaged axe, knife, knife blade or razor blade		See NOTE 2
plastic bags used solely to contain packaged uncooked fish or fish products, uncooked meat or meat products or uncooked poultry or poultry products and which measure 205mm (width) x 125mm (gusset width) x 458mm (height including handles)		See NOTE 3
Sealed bags supplied by a seller before the point of sale.	YES	
Bags used to contain purchases made on board ships, trains, aircraft, coaches and buses		See NOTE 4
Bags used to contain purchases made in an area designated by the Secretary of State as a restricted zone under section 11A of the Aviation Security Act 1982 – (i.e the area of an airport once you pass through the security search point)		See NOTE 5
Bags for packaging and delivery of mail or mail order goods		See NOTE 6
Bags which are made wholly of paper and the maximum dimensions of which are 175mm (width) x 260mm (height) and weigh 40 grams per square (gsm) or less	YES	
Bags which are made wholly or partly of plastic and the maximum dimensions of which are 125mm (width) x 125mm (height) and which do not have a handle	YES	
Bags which are made wholly of paper and the maximum dimensions of which are 80mm	YES	

(width) x 50mm (gusset width) x 155mm (height) and which do not have a handle		
Gusseted liners used either to line or cover boxes or other items		See NOTE 7
Bags used solely to contain products sold or supplied in accordance with a prescription, provided free as part of other NHS services or Pharmacy medicines (i.e restricted over the counter medicines from a qualified pharmacist or 'P medicines')	YES	
Bags used solely to contain certain types of goods labelled as 'Very Toxic', 'Toxic', 'Harmful', 'Irritant', 'Corrosive' or 'Dangerous for the environment' and carrying the relevant warning symbol.		See NOTE 8

Question 7 - If you disagree with any of the exemptions, please explain:

NOTE 1 – unpackaged food doesn't need a bag – use your bag for life.
NOTE 2 – as above
NOTE 3 – existing packaging should be deemed to be sufficient.
NOTE 4 – people will learn to take a bag with them – or place items in their luggage bags; although airlines must allow passengers to use their own bags.
NOTE 5 – as above
NOTE 6 – Use an envelope or jiffy bag
NOTE 7 – if required they need to be paid for
NOTE 8 – existing packaging should be deemed to be sufficient

Question 8 - Are any further exemptions required?

Yes No

If yes, please state what the exemption(s) should be and why it is required

Compostable bags - by their very nature, bags accredited as being compostable are *not* 'single use'. They can be used to carry goods as are single-use plastic bags but have a very practical and valuable afteruse as liners for caddies for the collection of foodwaste.

Record Keeping

Question 9 – Do you consider the record keeping requirements to be reasonable?

Yes

No Please explain

YES

Question 10 – We propose that businesses which sell fewer than 100 bags in a year or whose turnover is less than £68,000 per year be exempt from the requirement to publish an annual record. Do you consider these levels to be the appropriate defined limits?

Yes

No Please explain

YES

Question 11 – We propose that the information should be published in store or on the internet. Do you think there should be a requirement for the information to be published anywhere else?

Yes

No

If yes, Please explain

YES – information should be published independently of the store in order to avoid 'greenwash' and self publicising. Perhaps the 'relevant administrators' could publish on their website(s).

Net Proceeds

Question 12 – We propose that the cost of bags from the manufacturer is not a reasonable cost to be deducted from the gross proceeds. Do you agree?

Yes

No Please explain

YES

Administration and enforcement

Question 13 – Are all the powers set out in regulation 12 needed?

Yes

No Please explain

YES, though we are uncertain that there is a need for the relevant administrator to act outside their area (Part 3 (12)(3))

Question 14 - Are any further powers needed?

Yes

No

If yes, Please explain

NO

Question 15 – Is it reasonable that the breaches listed above are deemed to be breaches under Regulation 13 of the draft Regulations?

Yes

No Please explain

YES

Civil Sanctions

Fixed Monetary Penalties

Question 16 – Do you agree with the range of fixed monetary penalties (Paragraph 2 of Schedule 3) for the different breaches?

Yes

No Why not?

NO – sellers with fewer than 10 employees - £100 fixed penalty notice seems a little too much.
Perhaps £50 - £75 would be more appropriate.
Or £75 reduced to £50 if paid within 10 days.

Question 17 – Do you consider the discount for early payment for a fixed monetary penalty (Paragraph 9 of Schedule 3) to provide an appropriate discount and timescale for early payment?

Yes

No Why not?

YES

Question 18 – Do you consider the non-payment procedure and penalty for a fixed monetary penalty (Paragraph 10 of Schedule 3) to provide an appropriate penalty and timescale?

Yes

No Why not?

NO – the timescale for paying the penalty should be 28 days.

Discretionary requirements

Question 19 - Do you consider the maximum penalties set out in paragraph 1 (5) of Schedule 4 to be reasonable?

Yes

No Why not?

NO – they seem excessive in current financial times. Such large amounts would be less recoverable than a smaller fine.

Question 20 – Do you consider the non-payment procedure and penalty for a Variable Monetary Penalty (Paragraph 7 of Schedule 4) to provide an appropriate penalty and timescale?

Yes

No Why not?

NO – 28 days is more appropriate.

Publicity for the imposition of civil sanctions

Question 21 - Do you agree with the inclusion of the power to issue a publicity notice, as set out in Regulation 18?

Yes

No Why not?

YES

Appeals to the First-tier Tribunal

Question 22- Are you satisfied with the proposed procedures for appeals as set out in the draft Regulations?

Yes

No Why not?

YES

Question 23 - (Asked on behalf of the Tribunal Procedure Committee)

Do you consider that the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009, suit the handling of appeals relating to civil penalties imposed by the relevant administrator for offences under the draft Regulations?

Yes

No Why not?

YES

Guidance as to the use of civil sanctions

Question 24 Is there any other information (not specified in Regulation 20 of the draft Regulations) that you think should be taken into account when the administrator produces guidance on the use of civil sanctions?

Yes

No

If yes, what other information is needed?

NO

Question 25 - Should the administrator have to consult any other bodies/organisations?

Yes

No

If yes, please specify which bodies/organisations?

NO

Regulatory Impact Assessment

Question 26 - Does the draft Regulatory Impact Assessment capture all the relevant costs and benefits involved with each policy option?

Yes

No

Question 26a - If not what additional or alternative evidence could be used to improve the Assessment?

YES

Any other information

Question 27 - We have asked a number of specific questions throughout this consultation. If you have any related queries or comments which we have not specifically addressed, please use this space to report them:

These regulations will place additional enforcement and administrative burdens on local councils. With such a wide range of outlets, policing this legislation could place a massive burden on already over stretched enforcement officers. Also, the proposed protocol and time frames for the Notice of Intent, Final Notice and subsequent further action will require a fair bit of monitoring and definitely increase administrative burden.

Name	Roger Mills	
Organisation	LARAC	
Email	Roger.mills@torfaen.gov.uk	
Postal address	LARAC PO Box 28, Knighton. LD8 2WA.	
Telephone	01495 766745	
Preferred language of communication	English	

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept confidential, please tick here: