

STATES OF JERSEY



BANNING THE SALE OF SINGLE-USE CARRIER BAGS (P.64/2020): COMMENTS

**Presented to the States on 12th June 2020
by the Minister for Infrastructure**

STATES GREFFE

COMMENTS

Summary of Proposition lodged by Deputy I. Gardiner of St. Helier.

“THE STATES are asked to decide whether they are of opinion –

- (a) that the supply and distribution of plastic bags (as defined in section 3.1 of the Appendix to the accompanying report) by all retailers to consumers at the point of sale of goods or products in Jersey should be prohibited, subject to the exemptions specified in section 3.2 of the Appendix to the accompanying report;
- (b) that the supply and distribution of paper carrier bags (as defined in section 3.1 of the Appendix to the accompanying report) by all retailers to consumers at the point of sale of goods or products in Jersey should be prohibited, subject to the exemptions specified in section 3.2 of the Appendix to the accompanying report;
- (c) that a minimum price should be set for the sale of ‘bags for life’ (as defined in section 3.2 of the Appendix to the accompanying report) by the Minister for the Environment, following a consultation with stakeholders;
- (d) that the effect of Ministerial Decision MD-PE-2008-0055 should be replaced with legislation to ensure that all retailers are required to gift any profits raised through sales of plastic carrier bags to local environmental charities, with such legislation to include effective monitoring and enforcement tools, and that the implementation of such legislation should be accompanied by an education and engagement programme; and
- (e) that the Council of Ministers should bring forward draft legislation by February 2021 to give effect to this proposition, including provision for an implementation period of up to 6 months before the prohibition and minimum price come into force.”.

Ministerial response from the Minister for Infrastructure

The Minister for Infrastructure is supportive of the principles of this Proposition which seek to reduce waste and encourage a reuse culture by focusing on removing single-use bags from shops.

The ban aims to encourage shoppers to ‘bring their own bag’ to shift behaviour away from single-use consumption and disposal. This approach is aligned with the Island’s Solid Waste Strategy which manages waste upwards through the Waste Hierarchy by applying ‘Reduce, Reuse, Recycle’ strategies in that order of priority.

The Minister is mindful of the challenges this year has brought to the retail sector and is conscious that the impact of COVID-19 on the Island will continue for some time to come. Implementing a ban will require all retailers to review the bags they provide to customers to ensure they comply, but the Minister understands that this process will be well supported.

Changes to our behaviour, however small, that help to make our Island a more sustainable place to live and work are essential and it is important that protecting our environment continues to be a priority.

The Proposition delivers several items for debate in separate parts and it is recommended that States Members vote on each individual item.

Comments on the individual parts of the Proposition are included.

Part A

Withdrawing single-use plastic bags in line with the technical specification provided in the Proposition is supported. This action will support Jersey to maintain its focus on being 'Plastic Free', help to reduce waste and encourage reuse through the use of 'bags for life.'

This ban focuses on prohibiting lightweight plastic carrier bags that are designed for single-use. Retailers that currently provide these lightweight single-use type of bags can continue to provide alternative bags that meet the 'bags for life' specification (i.e. thicker, stronger and re-usable). These durable and re-usable bags will be purchased by the customer.

It is the recommendation of the Minister for Infrastructure that Part A of the Proposition is supported.

Part B

The Proposition asks States Members to ban the use of paper bags that are used as a substitute for plastic bags. The proposed ban does not include thin paper 'counter bags' such as those used for baked goods and pharmaceuticals and it does not include gift bags.

It is recognised that this may be a step too far at this stage for some people. Some shops have switched from using plastic bags to using paper bags.

The proposal is based on the environmental impact of paper bags in relation to the environmental impact to match that of a single-use plastic bag. Reusing a paper bag more than once is a challenge as they are not made from durable materials and easily tear or split, particularly when wet.

It is recommended that States Members vote according to their individual stance on this Part of the Proposition in an open vote.

Part C

The Minister agrees that a minimum price for 'bags for life' is needed and supports the Proposition in that the minimum price should be set following industry consultation.

Setting a minimum price will ensure that the pricing encourages the intended behaviour change, for example a very low price would not encourage shoppers from reusing the bags already in their ownership.

It is important that stakeholders are involved in this process so that all of the contributory factors can be considered and a pricing structure that is right for Jersey is developed.

The Minister for Infrastructure recommends that Part C of the Proposition is supported.

Part D

The aim of this part of the Proposition is to ensure that all profits made from the sale of 'bags for life' are used to benefit local environmental charities.

The Proposition refers to Ministerial Decision [MD-PE-2008-0055](#) which requires the two major supermarket operators to gift monies raised through the sale of disposable plastic carrier bags to charity, preferable local environmental charities.

While the Minister fully supports the principle behind this part of the Proposition, the Minister is of the opinion that this can be left to market forces as some retailers already gift monies to selected charities and this should be able to continue. Some retailers will not share this strategy, and this provides a point of differentiation for customers.

It is the recommendation of the Minister for Infrastructure that Part D of the Proposition is not supported.

Part E

The proposed timeline for implementing the required new legislation is ambitious but the Minister for Infrastructure believes it would normally be achievable if approached in a linear model. The activity programme would aim to complete the consultation and develop legalisation so draft legislation is available by February 2021 and then a six-month implementation period would follow wherein a communications and engagement programme would be delivered. A ban would therefore come into force in the summer of 2021.

This is unplanned work and will have to be delivered alongside other demands that have resulted from Covid-19 including the redeployment of policy resources in to the public health policy team and the support that Law Officers and Legislative Drafters are also needing to dedicate to Covid-19. It is difficult to be entirely sure of the full impact given the ongoing nature of the pandemic and the work in its management. Notes on the financial and resource implications are provided at the end of this document and are based on Officer advice.

While challenging, the timeline included in the Proposition would normally be achievable with dedicated resources and so it is the recommendation of the Minister for Infrastructure that Part E of the Proposition is supported. However, it must be noted that work programmes have not yet been adjusted as a result of Covid-19 and there could well be conflicting priorities.

Summary of Ministerial recommendations

The Proposition delivers several items for debate in separate parts and it is the recommendation of the Minister for Infrastructure that States Members vote on each individual item as follows –

- It is recommended that Part A of the Proposition is supported.
- It is recommended that States Members vote according to their individual stance on Part B of the Proposition in an open vote.
- It is recommended that Part C of the Proposition is supported.
- It is recommended that Part D of the Proposition is not supported.
- It is recommended that Part E of the Proposition is supported.

Financial and manpower implications

The implementation of this Proposition requires resources from Growth, Housing and Environment, Strategy, Policy, Planning and Performance and Law Officers' Department. The key deliverables are industry consultation, law drafting, performance management and engagement (with retailers and the public).

It is estimated that a budgetary resource of c.£15,000 will be required this year, this does not include law drafting time. A communications campaign will be required in 2021 to support the implementation of the ban and the estimated cost of this is c.£15,000 – £20,000. If possible, we could seek sponsorship for all or part of this campaign.

Statement under Standing Order 37A [Presentation of comment relating to a proposition]

These comments were received by the States Greffe after the deadline set out in Standing Order 37A. The Department for Infrastructure apologise for the late submission, the due diligence process took longer than expected.