

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Sixth Delegated Legislation Committee

DRAFT SINGLE USE CARRIER BAGS CHARGES
(ENGLAND) (AMENDMENT) ORDER 2021

Thursday 22 April 2021

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Monday 26 April 2021

© Parliamentary Copyright House of Commons 2021

This publication may be reproduced under the terms of the Open Parliament licence, which is published at www.parliament.uk/site-information/copyright/.

The Committee consisted of the following Members:

Chair: SIR CHARLES WALKER

Caulfield, Maria (<i>Lewes</i>) (Con)	Mann, Scott (<i>Lord Commissioner of Her Majesty's Treasury</i>)
Davies, Geraint (<i>Swansea West</i>) (Lab/Co-op)	Mishra, Navendu (<i>Stockport</i>) (Lab)
Docherty, Leo (<i>Minister for Defence People and Veterans</i>)	† Morden, Jessica (<i>Newport East</i>) (Lab)
Dowd, Peter (<i>Bootle</i>) (Lab)	† Morris, James (<i>Lord Commissioner of Her Majesty's Treasury</i>)
Duguid, David (<i>Parliamentary Under-Secretary of State for Scotland</i>)	† Pow, Rebecca (<i>Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs</i>)
Fovargue, Yvonne (<i>Makerfield</i>) (Lab)	Pursglove, Tom (<i>Corby</i>) (Con)
† Harris, Rebecca (<i>Lord Commissioner of Her Majesty's Treasury</i>)	Throup, Maggie (<i>Lord Commissioner of Her Majesty's Treasury</i>)
Johnson, Kim (<i>Liverpool, Riverside</i>) (Lab)	Yohanna Sallberg, <i>Committee Clerk</i>
Jones, Fay (<i>Brecon and Radnorshire</i>) (Con)	† attended the Committee
† Jones, Ruth (<i>Newport West</i>) (Lab)	

Sixth Delegated Legislation Committee

Thursday 22 April 2021

[SIR CHARLES WALKER *in the Chair*]

Draft Single Use Carrier Bags Charges (England) (Amendment) Order 2021

11.30 am

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Rebecca Pow): I beg to move,

That the Committee has considered the draft Single Use Carrier Bags Charges (England) (Amendment) Order 2021.

As ever, it is a delight to see you in the Chair, Sir Charles.

The Government are committed to eliminating plastic waste and its terrible effect on the environment. Consumption of single-use plastic items and their inappropriate disposal continue to raise significant environmental issues. Unlike other materials such as paper or wood, plastic can persist in the environment for hundreds of years. If released into the environment, items such as single-use plastic bags can damage habitats and endanger wildlife.

Furthermore, plastic that escapes into the environment will eventually break down into microplastics, which permeate our food chain and end up in our soil and seas. The full impacts of microplastics are still being uncovered. Even when single-use plastics are disposed of properly, they will typically end up in landfill or be incinerated, releasing greenhouse gases into the atmosphere.

Action is needed to curtail the use of single-use plastics and their release into the environment. The proposed measures in the resources and waste chapter of our Environment Bill will help us to transition towards a more circular economy and change the way in which we use and consume resources by keeping them in the system for longer to extract maximum value from them.

There is much we can already do to address the issue of single-use plastics, including our highly successful carrier bag charge. This draft statutory instrument will amend the Single Use Carrier Bags Charges (England) Order 2015 by extending the requirement to charge for single-use carrier bags supplied to customers to micro, small and medium-sized enterprises; removing airport sellers' exemption from charging; and increasing the minimum mandatory charge for single-use carrier bags from 5p to 10p.

Since the charge was first introduced in 2015, we have prevented billions of plastic bags from being sold and ending up in the ocean and the environment. We have already seen a reduction of 95% in the use of single-use carrier bags in the main supermarkets, and more than £150 million has been donated to good causes. Interestingly, as a result of the carrier bag charge, the average person in England now buys just four bags a year from the main supermarkets, compared with 140 in 2014. I think we can all agree that that is tremendous progress.

The aim of extending the charge to all retailers is to cut bag usage significantly for small shops, too, with customers incentivised to use long-life bags made from

more suitable and environmentally friendly materials. As an aside, I encourage those present to get a Somerset willow basket. They do not even need a bag for life; they could have something made from plants grown on the Somerset levels. Growing those plants helps tackle climate change and greenhouse gases, and we get sustainable baskets. I have had one for 35 years.

Micro, small and medium-sized enterprises circulated about 3.2 billion single-use carrier bags in 2018, accounting for more than 80% of the single-use carrier bags in circulation in England. This intervention is a strong marker of the Government's intention to clamp down on single-use plastic pollution and to protect our environment for future generations. When taken in conjunction with our wider policy approach to transition to a more circular economy, this will be another landmark moment following the straws, cotton buds and stirrers ban.

I turn to exemptions. To reduce the burden on business, reporting requirements on the number of single-use carrier bags sold annually will not be extended to businesses with fewer than 250 employees. Large businesses do not have to report the number of bags for life that they sell. However, we know there are concerns about the increasing use of such bags, so we will explore extending the reporting requirements to them in order to improve our understanding of the issue—I think the shadow Minister might raise that point. In fairness, a number of other people have done so, and I hope that gives some assurance that we are aware of it.

We are determined to get the legislation right, and it is vital that businesses and the public are informed about what they can and cannot do. Guidance will be published shortly after the debate to explain the legislation in detail to both businesses and the public. Informal guidance has already been shared with businesses to help them to prepare for the upcoming legislative changes. To ensure compliance, we have given trading standards authorities the powers that they require for this type of restriction—for example, to enter and examine premises that they suspect are in breach of the law. Anyone caught not charging for single-use plastic bags in line with the legislation could face civil sanctions, such as stop notices or a variable financial penalty. We hope that these enforcement measures will not be necessary, but the regulations need to have teeth in order to show that the Government take the issue of plastic pollution seriously.

The draft order sends a signal to industry and the general public that we need to think carefully about the bags we use and the materials from which they are made. The order will help people to make more sustainable choices, and it is an important step towards a more circular economy. I commend it to the Committee.

11.36 am

Ruth Jones (Newport West) (Lab): It is good to be back in the House today, and I thank all the members of the House authorities who are working hard to keep us safe as we carry out our duties in this place. May I take this opportunity to wish Her Majesty a happy 95th birthday for yesterday, on behalf of my shadow ministerial colleagues? This is a good week for birthdays, because it is mine tomorrow. Before you ask, Sir Charles, I am not 95.

On a sadder note, I extend my deepest condolences to my hon. Friend the Member for North Tyneside (Mary Glendon) on the death of her husband, Councillor

Ray Glendon. My hon. Friend is the shadow Whip for environment, food and rural affairs, and we send her family our love and solidarity at this very sad time.

The draft Single Use Carrier Bags Charges (England) (Amendment) Order 2021 is an important piece of legislation, and I am pleased that we have the opportunity to discuss it. As set out in schedule 2 of the Single Use Carrier Bags Charges (England) Order 2015, a single-use carrier bag

“means an unused bag made of lightweight plastic material with handles, other than an excluded bag.”

The order that we are debating will increase the minimum amount that sellers must charge for a single-use carrier bag from 5p to 10p. In other words, this is an important step in the fight against waste and the battle to preserve our planet and protect our environment.

The order will extend the obligation to charge to all retailers and will remove from airport retailers the exemption from charging for single-use carrier bags. That will reduce the usage of such bags, and the litter associated with them, while allowing for their continued use where necessary. Her Majesty’s Opposition have no issue with the substance behind the order; frankly, we only wish that it could have been brought to the House sooner.

As highlighted in the very helpful briefing produced by the Green Alliance, the order sadly continues with the short-sighted approach of addressing only single-use plastic carrier bags. This means that retailers remain free to give out, without charge, bags made from other materials, such as paper. That is an oversight that requires addressing, because paper bags are often just as unnecessary as their plastic counterparts and can have higher carbon impacts, depending on material sources and product specification. A 2011 study for the Northern Ireland Assembly found that paper bags generally require four times as much energy to manufacture as plastic bags. I join others in reminding the Minister that applying charges only to plastic items—an approach that the Government are continuing in the Environment Bill—is a mistake and risks merely shifting the environmental burden, as alternative materials may be used with equal environmental recklessness.

It will be no surprise to the Minister that I am very proud of the Welsh Labour Government and all that they have done to tackle waste, littering and fly-tipping over the years. Indeed, the Welsh Government introduced a fully comprehensive charge on single-use bags back in 2010. Since Wales has had its own Government from 1999, we have become a global leader in recycling. We are now first in the UK, second in Europe and third in the world for household waste recycling. Put simply, recycling is what we do in Wales. This achievement has taken a clear long-term vision, strong partnership working, significant investment and clear milestones along the way. That is important, because it shows that culture and behaviour can change and we can deliver real results.

Jessica Morden (Newport East) (Lab): Does my hon. Friend agree that Newport, a city that we represent, has a good record with Wastesavers, a community project that sorts at source and is particularly effective?

Ruth Jones: That is an excellent point. Wastesavers is a brilliant project and I will try to make provisions for such projects in the Environment Bill when we come back to it. It is an example of great, integrated waste collection with high recycling rates.

Culture and behaviour can change and we can deliver real results. This instrument speaks to one element of the fight and I urge the Minister to go further, be bolder and do it faster. Wales acted in 2010 but voters across England, from west midlands to Hartlepool and from the west of England to West Yorkshire, had to wait a further five years before a half-measure ban on single-use bags was introduced in England, and that was applied to larger retailers only.

Now in 2021, this Government are now finally catching up with the good practice that Labour-led Wales has had in place for years. That is despite the fact that three years ago the 25-year environment plan committed to extending the application of the 5p plastic bag charge to small retailers and despite the fact that the public consultation on this proposal ended two years ago, in February 2019. That consultation showed enormous support from consumers and considerable support from businesses for the proposal. Again, all we can do is ask what were Ministers waiting for.

Like many, I have a number of questions that come from reading the legislation. First, while Labour supports the increase in the price of single-use carrier bags from 5p to 10p, will the Minister clarify the impact that that is likely to have on the sale of the more substantial bags for life that are currently sold for between 10p and 30p? As has been said, there is an added incentive for supermarkets to prioritise the sale of these bags because they can keep all the income without making a donation to good causes. The Minister has already said that there is evidence that the 95% reduction in single-use plastics has seen a corresponding increase in the sale of bags for life, with the average householder buying 57 bags for life per year, according to the research from Greenpeace. Has any consideration been given to a substantial increase in the price of bags for life? It has been suggested that a price of 70p would prevent the perverse consequences of this policy change. It follows the example of Ireland, which priced the bags at 70 cents and thereby cut their sale by 90%. Otherwise, is there not a danger that more bags for life will be purchased for single use with the consequent increased damage to the environment?

Secondly, why have the Government exempted small and medium-sized enterprises from using a proportion of the money raised from the sale of the bags to donate to good causes? This provision has worked well for larger supermarkets, so I am not sure of the Minister’s argument that that would be too complex. I do not think that that holds water. Most small shops have a charity box, and many are part of larger franchise arrangements, so it seems wrong in principle that they should benefit from a new revenue stream by selling goods that pollute the environment. Will there be a requirement on the supermarkets that already administer the 5p charge to donate all the additional five pences to good causes, given that the additional administration in increasing the price would be negligible? Does the Minister agree with Lord Khan, who made the point in the other place that donations should be made to charities specifically involved in protecting the environment or clearing up the litter that plastic bags cause?

My third point is that back in 2019, the resources and waste strategy set out a plan for resource efficiency and a circular economy that included an ambition that all plastics be biodegradable. It is clear that the environmental damage caused by single-use bags would be somewhat

[Ruth Jones]

mitigated if there were a requirement for them to be biodegradable. What steps are the Government taking to prevent plastics, including plastic bags that are not biodegradable, from being in circulation?

Fourthly, why are the enforcement mechanisms restricted to being

“light touch, pragmatic and complaints led”?

I share the concern of many trading standards and local authorities that they simply will not have the resources to ensure that enforcement is truly effective. It would be helpful if the Minister took a moment to comment on that.

Finally, what further plans does the Minister have to make the manufacturers of single-use plastic bags more responsible for the environmental damage that they cause? Both the resources and waste strategy and the Environment Bill talk about the extended producer responsibility, based on the principle that the polluter pays. When are we going to start charging the manufacturers for producing these bags rather than putting the onus on the consumer to change their habits? That is much talked about as a policy, but we are yet to see any real action. Perhaps the Minister could reassure us today that the comprehensive extended producer responsibility package will be introduced into the Environment Bill when it finally comes back to the House.

The Environment Bill deserves a mention. Like so many communities across England, experts in the field and stakeholders campaigning on green issues, I am desperate to welcome the Environment Bill back to the House. The Bill received its Second Reading in February 2020, and we are almost in May 2021. During all those lost months, we have lost ground in our fight to save and protect the natural environment. The Opposition are ready to consider the Bill, to try to improve it and to work with anyone who is willing to work with us at the earliest opportunity. I urge a speedy resumption of our deliberations.

11.46 am

Rebecca Pow: I thank the shadow Minister, as always, for her comments. I join her in offering Her Majesty belated birthday wishes, although I am not sure it will exactly be a happy birthday this year. I send our genuine sympathies to the shadow Whip, the hon. Member for North Tyneside, on the death of her husband. This happened to me two years ago, and I can honestly say that I know how she will be feeling. Will the shadow Minister please pass that on to her from us all?

Ruth Jones: Of course.

Rebecca Pow: In order for us to leave the environment in a better state than we found it for the next generation, it is essential that we get the right legislation in place to limit the impact on the natural world of our use of resources. Plastics are an incontrovertible cause of harm to our environment, both terrestrial and marine. These measures are an important part of our wider strategy to tackle plastic pollution. In addition, we are getting under way a raft of measures, not least the Treasury's plastic tax and the ban on stirrers and straws. All the measures in the Environment Bill will help us to tackle plastics in the waste stream and their negative impact on the environment.

Perhaps I should touch first on the all-important Environment Bill. I think the shadow Minister is being slightly disingenuous, because work on it has not stopped. Indeed, this pause—it is only a pause—has enabled work to carry on with all speed on the targets, and on further strengthening the Bill and what it will trigger. That includes water quality targets. I know you are really keen on our water quality, Sir Charles, and those targets will help to drive improvement in chalk streams and all our rivers. We are also working hard on the air targets, and all the other important things that the Bill will trigger.

The Bill will put in place the measure to set up extended producer responsibility. That will put the onus on the manufacturers of plastic packaging to be responsible throughout its entire life cycle, and that includes where it ends up. Manufacturers will not want plastic packaging to end up as waste, so they will think hard and long about things such as its design and labelling. That will have a big impact on any plastic bags that are left in use, as I think the shadow Minister alluded to. We launched the second consultation on the matter on 24 March—the consultation ends on 4 June—so we are moving very quickly towards its introduction. A huge amount of work is going on to ensure that we get that absolutely right.

The shadow Minister touched on something that a lot of people question, namely why these bags are not biodegradable or compostable. I asked the same questions myself when I arrived in the Department, because it seemed straightforward. However, we have to consider what they biodegrade into. What chemicals, which then go into our soil and water, do they break down into? Biodegradable plastics are, by their nature, at odds with the principle of reuse and recycling; they are not reused or recycled, because they break down. Strong concerns have been raised about how biodegradable they are, and what they break down into. They might have a vital role to play in some very niche areas, but we are carrying out an awful lot of research into this, and at the moment there is a lot of concern about them. They will certainly not step in and replace plastic carrier bags.

I think the shadow Minister asked about the consultation on the order that we are considering. It was consulted on between December 2018 and February 2019, and the summary of responses was published on 31 March 2020. We received a lot of responses to the consultation right across the supply chain, from the waste industry, from non-governmental organisations and from members of the public, with pretty overwhelming support for the proposals. That was very positive.

The shadow Minister touched on the question of bags for life. They should be reused. They are not single-use bags; they are bags for life, as their name suggests. They will last longer than single-use plastic bags. If they are reused sufficiently, their overall environmental impact in comparison to single-use plastic bags is likely to be positive. Interestingly—I am not sure that a lot of people are aware of this, but let us make them aware—retailers are required to take back worn-out bags for life and replace them like for like, free of charge. The impact assessment that accompanies the legislation estimates an increase of 40% in the number of bags of life used over 10 years. However, the policy change will lead to an overall reduction of 21% in the number of bags supplied across all bag types—single-use carrier bags, bags for life, paper bags, cotton bags and so on—over that period, which will lead to an overall reduction in plastic usage. Do not forget my idea of wicker baskets, either.

The shadow Minister may be interested to hear that, as I mentioned in my speech, we will review how the whole system works once it is up and running for single-use carrier bags, and then we will consider extending to retailers those reporting requirements on bags for life. That is not included at the moment, but if it looks as though it would be helpful, it will certainly be looked at.

The shadow Minister touched on paper bags, and she expressed the concern that we were charging only for plastic bags when we ought to be charging for paper ones as well. For her information, paper bags need to be reused three to four times to have an impact equivalent to that of plastic. For cotton bags, the figure rises to 130 times. Paper bags may be littered or escape into the environment, but they are much less damaging than plastic, because they break down. Of course, cotton bags are rarely littered. The point is that the environmental impact of all bag types will be reduced by reuse. If we all reuse our bags, we will really reduce their impact.

Ruth Jones: The point I was trying to make about paper bags is that it takes four times as much energy to produce them as it does to produce plastic bags. It is not about what happens during their lifetime; it is about their production, which is so energy-inefficient.

Rebecca Pow: I have not got all the data to argue that point, but I think there is a case to be made for paper bags if the material comes from a sustainable source. We are working on our tree strategy now, and we are looking for all sorts of further markets for our own wood and offcuts. I think that could be debatable.

I am going to wind up now, Sir Charles, as I am sure you will be pleased to hear. I thank the shadow Minister for her contributions and for her challenging questions, which I hope I have answered. As I have outlined, these amendments to the regulations will extend the requirement to charge for single-use carrier bags to all retailers, remove the exemption from charging from airport sellers and increase the minimum mandatory charge from 5p to 10p. We are taking these steps to reduce our reliance on single-use plastics and to explore more sustainable alternatives. These draft order will definitely help us to do so, and I commend it to the Committee.

Question put and agreed to.

11.55 am

Committee rose.

