

Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith /
 Climate Change, Environment and Infrastructure Committee
 Bil drafft Diogelu'r Amgylchedd (Cynhyrchion Plastig Untro) (Cymru)/
 Draft Environmental Protection (Single-use Plastic Products)(Wales) Bill
 SUP_05
 Ymateb gan Cyngor Sir y Fflint / Evidence from Flintshire County Council

Invitation to submit written evidence: [Draft Environmental Protection \(Single-use Plastic Products\) \(Wales\) Bill](#)

The closing date for submissions is **5 September 2022**

#	The Committee would like our views on the following:	FCC response:
1.	Whether a Bill is needed to introduce a ban on commonly littered single-use plastic items;	FCC agree that legislative changes are required to introduce a ban on single-use plastic products. Achieving that aim would appear to require primary rather than secondary legislation given the intention to create new offences, and the apparent absence of an existing power to make regulations in this area. Introducing the ban by way of a Bill is also a good opportunity to consolidate the similar existing legislation on plastic bags into one place.
2.	The advantages and disadvantages of using a Bill rather than secondary legislation to introduce a ban;	See above notes in #1
3.	Whether the provisions of the draft Bill will deliver the policy intention;	The legislation appears to focus on the offence of supplying prohibited single-use plastic products rather than on banning the production of such products.
4.	Whether there are any potential barriers to the implementation of the draft Bill's provisions (including the United Kingdom Internal Market Act 2020);	The Bill specifies that it will be down to Local Authorities to investigate complaints in respect of offences and bring prosecutions, as well as taking any other steps to reduce the incidence of offences. Local Authorities do not have the necessary resources or capacity to undertake this additional duty, and additional funding will be required to provide this. Without additional resources being made available to Local Authority for enforcement, the expectations of the public will not be met and behaviour change may not happen. Local Authority Resource <u>has</u> to be better resourced.

5.	Whether the powers in the draft Bill for Welsh Ministers to make subordinate legislation are appropriate;	<i>The powers to pass secondary legislation appear proportionate to the need to keep the schedule of prohibited/exempt products up to date.</i>
6.	Whether there are any unintended consequences arising from the draft Bill;	See #8 below. Additionally, how will the legislation apply to a person if they are already in possession or receipt of a large quantity of the banned single-use products? Will they be subject to enforcement action or compensated for not being able to supply the products financially or otherwise?
7.	The financial implications of the draft Bill (including for businesses and consumers).	There is likely to be a financial impact on local authorities in having to undertake the enforcement of the legislation. Potential financial impact on any businesses or companies that currently produce the banned single-use products?
8.	Other comments	There are unanswered questions as to how the proposed Bill will be policed and enforced. For instance, the Bill will make it an offence for a person ("P") (which is defined as either (a) a body corporate (including a body exercising any function of a public nature); (b) a partnership; (c) an unincorporated association; or (d) a person acting as a sole trader to supply a prohibited single-use plastic product to a consumer in Wales. How will this be enforced if the person supplying the product is based outside Wales? The Bill also makes it an offence where P arranges for a product to be delivered to a consumer and P supplies the product when it is delivered to the address provided by the consumer. Suppliers, such as couriers, will not necessarily know that they are delivering (i.e. supplying) a prohibited product and suppliers outside of Wales may be unaware of the legislation in Wales. There is also the issue for those counties that share a border with England and where P's premises sit within both countries.