



Cynulliad National
Cenedlaethol Assembly for
Cymru Wales

The Petitions Committee

Completion Report

**Summary of the Petitions Committee's consideration of
P-03-063 Banning Plastic Bags**

April 2009

Petition Received

11 July 2007

Ruled Admissible

18 July 2007

Initial Consideration**20 September 2007**

The Committee gave initial consideration to the petition, and agreed to invite the petitioners to present oral evidence at a future Committee meeting, and to consider the Scottish Environment and Rural Development Committee's review of the use of plastic bags

(See Annex 1 for the relevant extract from the transcript of the meeting on 20 September 2007)

Further Consideration**4 October 2007**

The Committee took evidence from the petitioner, and agreed to formally refer the petition to the Environmental Protection and Waste Management Legislative Competence Order Committee for further consideration.

(See Annex 1 for the relevant extract from the transcript of the meeting on 4 October 2007, and Annex 2 for the letter sent by the Chair to the Chair of the Environmental Protection and Waste Management Legislative Competence Order Committee)

6 December 2007

The Committee considered a response from the Chair of the Environmental Protection and Waste Management Legislative Competence Order Committee, and agreed to refer the petition to the Sustainability Committee

(See Annex 1 for the relevant extract from the transcript of the meeting on 6 December 2007, Annex 2 for the response received from the Chair of the Environmental Protection and Waste Management Legislative Competence Order Committee, and Annex 3 for the letter sent to the Chair of the Sustainability Committee)

20 November 2008

The Committee considered the Sustainability Committee's report into the petition, and agreed to await the Minister for Environment, Sustainability and Housing's response to the report.

(See Annex 1 for the relevant extract from the transcript of the meeting on 20 November 2008, and Annex 3 for the response received from the Chair of the Sustainability Committee)

31 March 2009

The Committee considered the petition following the Minister for Environment, Sustainability and Housing's response to the Sustainability Committee's report, and the subsequent Plenary debate into the issues raised by the petition, and agreed to conclude its consideration of the petition as it has taken it as far as it can.

(See Annex 1 for the relevant extract from the transcript of the meeting on 31 March 2009)

Petitions Clerk
April 2009

Annex 1

Extracts from Petitions Committee meeting transcripts

20 September 2007

Val Lloyd: The Petitions Committee is now asked to look at the banning of plastic bags. If you remember, this was the petition that won the BBC competition. I unearthed some literature, for your information. The Scottish Parliament's Environment and Rural Development Committee undertook a review on the use of plastic bags only a year ago, in 2006. It is very current and in a similar environment to ours, so it might be pertinent for us to access that. Do you agree?

Michael German: We should ask the petitioners to come and talk to it.

Val Lloyd: Fine. We need time to read this information, so shall we ask the petitioners to attend the meeting after the next, rather than to the next meeting? I see that you agree to that. That would give us all time to read it, hopefully.

4 October 2007

Val Lloyd: I welcome Neil Evans to the meeting.

Mr Evans: Thank you.

Val Lloyd: The light comes on automatically on the microphone when you speak—it is done by people in the control room as if by magic.

Mr Evans is the lead petitioner on banning plastic bags, as it has been called. We agreed to ask Mr Evans to committee for him to explain this issue to us in more detail. You have 15 minutes, Mr Evans.

Mr Evans: I took part in the BBC's If I Ruled Wales competition, as I thought that that would be a good opportunity to get some of my points across. Banning plastic bags was just one of the things in which I was interested, but we will stick with that for now.

My main reasons for wanting to see plastic bags banned are, obviously, the environmental reasons, including the effects on wildlife, particularly marine wildlife, of which most of us are unaware. If you want to familiarise yourself with some of the effects, just do an image search on Google by typing in 'plastic bags and wildlife' and you will see what I mean. The effects are horrendous. Many animals, birds, fish, mammals and whales are routinely killed every year simply by ingesting plastic bags. Apart from the obvious wildlife effects, there are also effects on the landscape. I am concerned about the litter situation. I chose to pick on plastic bags, although, obviously, litter is composed of many other things, but plastic bags are the easiest element to choose at present.

My other concerns are that, at some point in the near future—within the next 30 or 40 years—oil will become scarce. Plastic is a by-product of oil, and, at this stage, we need to begin to wean ourselves off products that are developed from oil and begin looking at the alternatives. I felt that, at this stage, the subject fits neatly with the Assembly's ideas on sustainability, so I thought that it would be an opportune moment to bring up the subject. If we are to become a more sustainable country, we need to put some action behind the words, and, frankly, banning plastic bags is a

good way to start. I can think of many good reasons to do it, while I cannot think of many reasons not to do it. Therefore, it would be a good way to start.

The landfill directive tells county councils that they need to greatly reduce the amount of waste going to tips. A large proportion of our waste is plastic, and plastic bags represent the most unnecessary element of that waste. Local authorities are recycling far more materials, and they obviously need to recycle even more if they are going to reduce the amount of waste sent to landfill. That recycling means that a lot of excess paper will be in circulation, which could surely be put to use by making alternatives to plastic bags. That is also worth considering.

Val Lloyd: Thank you, Mr Evans. Are you prepared to take questions now?

Mr Evans: Yes, absolutely.

Val Lloyd: On this subject, obviously. [Laughter.] Well, it could have been *carte blanche*, could it not? Would anybody like to start?

Bethan Jenkins: We have just had this information about the LCO. Can we expand on that? Should it be discussed within the Measure that is currently progressing?

Val Lloyd: That is what I was going to suggest. We were all quite interested—more than interested—in your proposal. Members will speak for themselves, but we are certainly sympathetic, if we may put it that way. I think that Bethan is referring to the legislative competence Order currently going through another committee. It would be opportune to refer your petition to that committee. Is that what you meant?

Bethan Jenkins: I think it is an innovative idea. I have always supported a levy, but if something is already going through that committee, which is looking at this issue, then that is the proper course.

Peter Black: I understand that, in Scotland, they had a similar measure before them, and they decided not to go ahead with it. Do you know their reasons for not doing it?

Mr Evans: It is my understanding that their proposal was to introduce a tax along the same lines as that in Ireland. Frankly, that is, as I noted, a fudge. I would like to see the Assembly take decisive action, with no half measures. We do not need plastic bags; there are alternatives, and I have already outlined the reasons why I believe they should be banned. Why fudge the issue? Why introduce a tax that may hurt people who are on lower incomes and thereby cloud the issue? Be decisive and act.

Peter Black: They did not proceed with that, did they?

Mr Evans: I think that they have put the idea on hold for the present.

Peter Black: Do you happen to know their reasons for doing that?

Mr Evans: I do not. I think that it is purely disagreement among Members with regard to the financial aspects of the taxation.

Val Lloyd: I think that there were other reasons, from my reading of it—I need to read it fully again; I must admit that I read the abridged version the first time. It was considered that there would be a switch to brown paper bags, which would be equally problematic in terms of disposal. The committee's opinion was divided.

Mr Evans: There has been a lot of propaganda, if I may call it that, put out by opponents to a ban on plastic bags. You always have somebody who will oppose a suggestion, and that is only right in a democracy. However, we all realise that plastic is not, in the main, biodegradable. As I mentioned earlier, if we are going to be recycling more paper, we need an outlet for it, and paper bags would be an ideal way to do that. Furthermore, how many companies in Wales produce plastic bags? Where do the raw materials come from? It is not just a matter of the plastic bags themselves, but that we are importing these materials when we could utilise our own home-grown materials to produce bags.

Val Lloyd: I am not unsympathetic—I am just exploring the issue—but have you ever considered how other countries manage it, such as Germany? I speak with a considerable amount of first-hand knowledge in that regard. They do not ban plastic bags; you have to buy them. The population as a whole tends not to use them, except in extreme circumstances. The bags are, as well, of a recyclable nature—not in their entirety, perhaps, as we would all like, but they are easily recyclable. Other countries look at this problem in other ways, but that may be what the committee would want to look at.

Mr Evans: You need only walk around any town in Wales to see how often plastic bags are routinely handed out by shopkeepers and assistants, without any thought for the effect on the environment. If you consider a trip to a major food retail store, as I mentioned earlier, you do not actually need any bags at all. If you think about it, you can simply put the items loosely in the trolley, as they are in the store, put them through the checkout and then back into the trolley. You do not need those bags that are—let us face it—used for only 30 seconds to take the goods from the till to the car, and for another 30 seconds at the other end of the trip. A lot of us, in our day-to-day lives, find it a great convenience and, because of that, we routinely use plastic bags. If they were taken away, and an alternative put in place, that would be the best approach. As you rightly point out, they give that option in Germany, but I think that Wales and Britain have an entirely different cultural background to Germany and we do not view the environment in the same way. I do not think that that type of half measure would work well here.

One other reason why I would like to see this ban introduced in Wales is because I would like to see the Assembly put Wales on the map. I would like to see us being recognised in Europe as a country that not only talks about sustainability, but wholeheartedly embraces it, in our actions and in our words. I want us to be seen as a forward-acting country.

Val Lloyd: I think that we would all agree with that.

Mr Evans: I do not think that half measures are the way to do that.

Peter Black: One irritation that I experience when I go to supermarkets is that they provide plastic bags to put loose vegetables in. Would you consider that this petition is not just about carrier bags, but about all that sort of packaging as well?

Mr Evans: Yes, I would. I would probably draw the line, at this stage, at bin bags. I came here on the train and I know that you need see-through plastic bags on railway stations because of security considerations, but, it is ridiculous that a swede should have a plastic wrap around it. That is insanity and it flies in the face of sustainability. I would also like to see that sort of unnecessary packaging removed.

Andrew R.T. Davies: Neil, thank you very much for your presentation. I think that most people would agree with the arguments that you have made. The dilemma that I face, as an individual thinking about the introduction of such a Measure, is that the use of the plastic bag is engrained in our society. When I go to a check out, they always ask, 'Do you want a bag?', even though I am only carrying a newspaper and a drink of some sort; thankfully, I always refuse, but I know that a lot of people do not. You obviously favour the big-bang approach, so that, on a given date, the drawbridge would come down. However, in reality, is that deliverable? Surely a period of grace, to wean society off the plastic bag, before the big-bang approach, would be the more desired outcome and would be more achievable.

Mr Evans: I think that if the Assembly put its mind to it, the big-bang approach would work.

Andrew R.T. Davies: Society has to agree to it, rather than the Assembly.

Mr Evans: I agree. One reason for putting this proposal to the Assembly is to help to put Wales on the map and I do not think that a gradual phasing in of those measures would be conducive to that—I think that the big-bang approach would. One thing that I have already mentioned is alternatives to plastic bags; if those alternatives were in place the day before or the week before the ban, that would be fine. I think that the big-bang approach is the way forward and that is certainly the way that I would like to see it go.

Val Lloyd: Mr Evans, I would very much like to see Wales being put on the map, but I think that we should be considering this for its intrinsic value, rather than in terms of putting Wales on the map, however much we would agree with that general principle. Bethan, did you want to contribute or are you happy with what has been said?

Bethan Jenkins: I just wanted some clarification. It says in the LCO that it would be a levy. Do we want to continue in that frame of mind?

Val Lloyd: That would be for discussion at the end of the session, regarding how we take it forward. Are there any further questions?

Andrew R.T. Davies: May I ask a supplementary question? I am a little worried about the big-bang effect. Many operators in this country of ours, which we want to put on the map, are multinational companies and bottom lines are what keep them operating in this country. If you do not provide a realistic alternative, they will just pull out, because it is not profitable for them to be in this country. Are you confident that, on nearly all occasions, you can readily identify a feasible alternative, rather than just an alternative, which can be delivered to the mass market, as is the case with plastic bags?

Mr Evans: As I mentioned earlier, if you look on the internet, you will see that there are plenty of alternatives that people are simply not aware of. If this ban goes ahead, and there will obviously be a lead-in period to it, people will have an opportunity to source those alternatives well in advance.

Val Lloyd: Thank you for your presentation, Mr Evans, and for answering our questions honestly and directly.

Before we move to a discussion, I would like to ask Ms Jackson whether she has anything to add on this issue.

Ms Jackson: I am aware that you have received a copy of the letter to the Chair of the Proposed Environment Protection and Waste Management LCO Committee. I have only just seen this advice—at the beginning of this meeting—and I have not really had time to consider it in detail, so I do not want to say anything without having had the opportunity to inwardly digest what has been put before you.

Ms Lloyd: Thank you. You are referring to the letter that is on the internet for the committee.

Does anyone have any views on this petition?

Andrew R.T. Davies: I think that the course of action for this is to pass it on to the LCO committee. I do not know whether or not that is correct. There is the desire there for this to happen; it was mentioned before the summer recess. Obviously, we do not have the competence Order to deliver this now, so while it is currently aspirational, hopefully, with the passage of the LCO, this institute will be able to deliver on this.

Peter Black: The advice as I read it—I do not have the benefit of Joanest's training—suggests that the LCO would enable this sort of ban to take place, or certainly for a levy to be imposed, but that it could be vetoed by the UK Government Minister. Given that the LCO may well enable that, I think that it is best to refer the petition to the LCO committee and ask it to take this into account to ensure that the breadth of the LCO fully encompasses what the petition aspires to.

Bethan Jenkins: It refers to a levy here, so we need to expand on the discussion and take evidence from all interested groups. I have received letters from a plastic bag consortium in which it asks us not to listen to this argument.

Val Lloyd: You will always find that. I think that we are all in agreement that that is the most sensible course of action to take.

Andrew R.T. Davies: I deputised on the LCO committee on Tuesday. Its forward planning programme, in terms of its witnesses, its conclusion and its report, is already in place. I know that the clerk will move quickly on this, but we could almost be in the same situation as we were with Carno station, where events outside the petition remit brought things to a conclusion before the committee had the opportunity to consider the proposal.

Val Lloyd: The same applies to what I said about the Health, Wellbeing and Local Government Committee—the work programme is very full. We will refer this to the Proposed Environmental Protection and Waste Management LCO Committee.

6 December 2007

Val Lloyd: We now move to petition P-03-063, on banning plastic bags. We heard the petitioner on this, we then passed it to the Proposed Environmental Protection and Waste Management LCO Committee and we have also had another message from the petitioner. We needed to clarify a point and we have received a note on that, in that it was about the banning of plastic bags in Wales, not the introduction of a levy. I would draw your attention to the letter from the Chair of the LCO committee, Alun Ffred Jones, and the Minister's comments.

Michael German: Clearly, the powers are going to be there; deciding whether or not it is the right thing to do is the next stage. Since the petitioner is asking for that course of action to be taken, and there are arguments as to whether a levy or a ban is the appropriate way forward, I took the liberty of asking the Chair of the Sustainability Committee whether he felt that that committee could carry out a review or a study of whether banning plastic bags was a good or bad thing, in order to take it further forward, anticipating that, when the LCO is passed, this issue will be discussed. He said that he felt that it would be appropriate for the committee to look at that. Therefore, do we now simply refer this issue to that committee for it to consider whether it would do a review of the issue of banning plastic bags? I am sure that it would take the other matters into account.

Val Lloyd: Such as European law, which the Minister mentioned.

Michael German: Yes. I am sure that it would do that, but, in terms of the petition, we can only say what the petitioner wanted.

Val Lloyd: Is everyone happy with that? I see that you are.

Michael German: Otherwise, we will find ourselves having to go to Ireland and look at this problem ourselves, which would be terrible, would it not? [Laughter.]

Val Lloyd: The point is that Ireland is an entity, and we are not an entity in Wales. I know that there are arguments that we are, but we are not at present. There would probably be European Union implications as well.

Michael German: I did wonder whether this committee could do a review of this issue. However, having read some of the evidence from the British Retail Consortium, an extensive study is needed on this important topic, and to do it would exhaust our resources in terms of time and so on.

Val Lloyd: The Scottish Parliament committee looked at this for two years—using paper bags was its broad conclusion. We can officially close this petition, then, because it is in the hands of the Sustainability Committee.

Bethan Jenkins: Unless we want it to come back to us.

Michael German: We should check that that committee will deal with it.

Bethan Jenkins: Yes, we should not close it until the committee takes the review.

Michael German: Do not close it until it says that it will carry on with it.

Val Lloyd: I thought that you said that our workload was too heavy. [Laughter.] Okay, we will formally pass it over, and we will formally get the committee's results in closing it.

20 November 2008

Val Lloyd: Our next update deals with banning plastic bags, P-03-063. We had this petition a considerable time ago from a gentleman who supports the banning of plastic bags and disposable carrier bags. He asked the National Assembly for Wales to ban them. We referred the petition to the Sustainability Committee for consideration, which launched a comprehensive inquiry to investigate the matter. It

has now completed its inquiry and published its report. The Chair has courteously sent us a letter, for the record, which is now before us. He suggests that the petition should be closed because the committee did not agree with the petitioner's recommendation that all plastic bags be banned in Wales. Also, the Chair has pointed out to us that the powers to do so are contained in the Climate Change Bill or within the environmental protection and waste management legislative competence Order. It is a comprehensive reply.

Michael German: I understand the reply, but I do not think that we should close the petition at this stage, given that a Plenary debate is due to be held on the topic. We have a committee report, which, as always, will go to Plenary, and during the debate there will be a ministerial response. As a general point, when committees have produced reports of this sort, keeping the petition to the point at which we have the ministerial response would mean that we could conclude the matter when we have reached the end of the process in the National Assembly. So, there are two more stages to go yet. I do not think that we should do anything about it until we hear the Minister's response.

Val Lloyd: I concur. Do Members also agree? I see that you do. We may as well see it through to the end.

31 March 2009

Val Lloyd: We will move to updates on our previous petitions. The first is on the banning of plastic bags, P-03-063, which we passed on to the Sustainability Committee. It has finished its report on it and the Minister for Environment, Sustainability and Housing has laid a written response to that report. I do not think that there is anything more that we can do on this.

Andrew R.T. Davies: The Government gave a comprehensive and favourable reply, and now the process that the Minister has laid out will take its course. Hopefully, this will be used as a good example of how the Petitions Committee is working effectively to get an outcome, and it will raise our profile.

Val Lloyd: Thank you, Andrew. You put that rather nicely. We can do nothing more, so we will formally close this petition.

Annex 2

Y Pwyllgor Deisebau

Petitions Committee



Cynulliad National
Cenedlaethol Assembly for
Cymru Wales

Alun Ffred Jones
Chair, Environmental Protection and
Waste Management LCO Committee
National Assembly for Wales
Cardiff Bay
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Bae Caerdydd / Cardiff Bay
Caerdydd / Cardiff CF99 1NA

Our ref: P-03-063

8 October 2007

Dear Alun Ffred,

PETITION – BANNING PLASTIC BAGS

As you will be aware, the Assembly now has a duty under Standing Order 28 to consider all admissible petitions it receives. The Petitions Committee has been established to consider these petitions. At its meeting on 4 October, the Committee considered a petition calling for a ban on plastic bags.

The Committee discussed the petition and we agreed to ask the Environmental Protection and Waste Management Legislative Competence Order (LCO) Committee to consider it and to provide us with further advice. I should make it clear that we are not asking your Committee to consider the merits of the argument for a ban or a levy on plastic bags but simply whether the proposed LCO would give the Assembly the legislative competence to do so. A copy of the papers that the Petitions Committee considered is attached.

I would be grateful if you could arrange for this matter to be considered by the Members of the LCO Committee at an early stage and for its views, or any action that it takes on the petition, to be reported to us as soon as possible. The Petitions Committee will give further consideration to the petition in the light of the response.

Yours sincerely

Val Lloyd
Chair, Petitions Committee

**Y Pwyllgor ar y Gorchymyn ynghylch
Diogelu'r Amgylchedd a Rheoli Gwastraff**

**Proposed Environmental Protection and
Waste Management Legislative Competence
Order Committee**

Bae Caerdydd / Cardiff Bay
Caerdydd / Cardiff CF99 1NA

Val Lloyd AM
Chair, Petitions Committee,
National Assembly for Wales
Cardiff Bay
Cardiff CF99 1NA

16 November 2007

Dear Val

PETITION – BANNING PLASTIC BAGS

1. Thank you for your letter of 8 October.
2. The Committee discussed the petition at its meeting of 6 November 2007.
3. The Committee has been set up specifically to consider and report on the *National Assembly for Wales (Legislative Competence) (No. 2) Order 2007*, which seeks to confer legislative competence on the Assembly in relation to specified aspects of environmental protection and waste management.
4. The Committee has agreed that the scope of its work is broadly to consider whether:
 - (i) The general principles of the legislative competence as specified in the proposed Order should be conferred on the Assembly;
 - (ii) The proposed Order provides an appropriate framework for the delivery of the policy agenda on environmental protection and waste management, and in particular whether the terms of the proposed Order are too broadly or too narrowly defined.
5. The Committee cannot provide definitive legal advice on whether the proposed Order would lead to the Assembly having the legislative competence to ban plastic bags.

6. If at a later date a proposed Measure is brought forward by the Assembly Government, a committee or a backbench Member to ban plastic bags, and a doubt remains as to whether it comes within the legislative competence of the Assembly, the definitive legal view would ultimately come from the Supreme Court on a reference by the Counsel General (or the Attorney General) under section 99 of the Government of Wales Act 2006.

7. Nonetheless, on 25 September during a meeting of the committee to scrutinise the proposed Order, the Minister for Environment, Sustainability and Housing provided the following response to a question on this point:

Mick Bates: Would the proposed LCO be of sufficient scope for legislation banning plastic bags?

Jane Davidson: It would be of sufficient scope in terms of legislation to ban plastic bags, or it would enable a Measure to be passed to impose a levy on plastic bags by way of a charge made to consumers at the till point. There are a number of ways that you could take this forward. We would have to be mindful of European law in this context. Legal advice currently suggests that an outright ban on plastic bags may be contrary to EU law, because it is likely to be disproportionate to the aim pursued insofar as other steps, such as a levy, could be taken to address the problem. All of these matters would have to be considered by the Assembly of the future. So, in a sense, the broad answer to the question is 'yes', but you would have to take account of any other laws that are relevant in this context.

8. The full transcript of the committee's meeting is available on the Committee's webpage.

9. The Minister has also touched on the issue of plastic bags in her letters to the Committee on 1 and 25 October respectively, and copies of both letters are attached.

10. I hope this information is helpful,

Yours sincerely



Alun Ffred Jones AM
Chair

Annex 3

Y Pwyllgor Deisebau

Petitions Committee



Cynulliad National
Cenedlaethol Assembly for
Cymru Wales

Mick Bates
(via email)

Bae Caerdydd / Cardiff Bay
Caerdydd / Cardiff CF99 1NA

Our ref:P-03-063

21st January 2008

Dear Mick,

Petition – P-03-063 Banning Plastic Bags

As you will be aware, the Assembly now has a duty under Standing Order 28 to consider all admissible petitions it receives. The Petitions Committee has been established to consider these petitions.

This petition has received initial consideration by the Petitions Committee and was referred to the Proposed Environmental Protection and Waste Management LCO Committee requesting that it considered it and provided further advice. The Chair of the Committee wrote to me on 16th November indicating a Measure to introduce a ban may be within the scope of the LCO (albeit with the caveat that there are several legal questions that would need to be answered before a Measure could be introduced). A copy of this letter is attached for your information.

During the Petitions Committee meeting on 6th December, it was suggested you may be content for the Sustainability Committee to consider this issue. If you are content for your committee to take this forward, I should be grateful if you could inform the Petitions Committee of any action you intend to take.

Yours sincerely,

Val Lloyd
Chair, Petitions Committee

**SUSTAINABILITY COMMITTEE/
Y PWYLLGOR CYNALIADWYEDD**

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1 October 2008

Dear Val,

Petition – P-03-063 Banning Plastic Bags.

You wrote to me on 21 January 2008 and requested that the Sustainability Committee considered the petition P-03-063 which suggested that plastic bags were banned in Wales.

The Committee took a range of evidence in considering this petition from a number of relevant organisations, including Keep Wales Tidy, the Carrier Bag Consortium, WRAP, the Marine Conservation Society, the British Retail Consortium and Marks and Spencer / Groundwork. The Committee also held a fact-finding visit to Dublin to gather evidence on the Irish plastic shopping bag levy.

The Committee has now concluded their consideration of the petition and have agreed the following:

- The petition should be closed. The committee did not agree with the petition's recommendation that all plastic bags should be banned in Wales.
- The principle that a levy should be placed on all disposal carrier bags. The powers to raise this levy are contained within the Climate Change Bill, or within the Environmental Protection and Waste Management LCO. I have written to the Minister for Environment, Sustainability and Housing to establish what the Government's views are on this matter, and following her response the Committee will request a Plenary debate on this topic.

The Chair and the Committee also expressed their thanks to the petitioners for putting forward this petition and creating a debate about this important topic.

Yours sincerely

Mick Bates AM
Chair, Sustainability Committee