



Department
for Environment
Food & Rural Affairs

www.gov.uk/defra

Single-use plastic bag charge for England

Summary of responses to call for evidence

June 2014

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Introduction

The call for evidence

1. This document is a summary of the responses that we received to the Call for Evidence on the plastic bag charge for England.
2. The Call for Evidence ran from 25 November until 20 December 2013. It asked for evidence on key aspects of how the plastic bag charge will work in England.
3. Thank you to those individuals, organisations and local authorities that took the time to respond. All responses were read and considered.
4. This document is a summary of responses, rather than an analysis of the evidence received. The analysis will continue during 2014 and will inform the drafting of the Regulations for the plastic bag charge in England.

Scope of the call for evidence

5. The Call for Evidence was focussed on:
 - What sort of bags (i.e. material type, thickness) should be exempt from the charge
 - What bags used for specific purposes (i.e. to carry food, medicines) should be exempt from the charge
 - How best to tell people about the charge
 - How to make sure that organisations are applying the charge
 - How to encourage organisations to donate their profits from the charge to good causes.
6. The targeted nature of these questions was a result of the basic structure of the charge already having been agreed and announced in September 2013, including the size of the charge (5p) and what it applies to (single-use plastic bags).
7. As is detailed below, we received a significant number of emails expressing frustration that this Call did not allow comment on the wider structure of the charge. In recognition of that frustration, Annex B sets out the rationale for some of the agreed characteristics of the plastic bag charge for England.

The responses

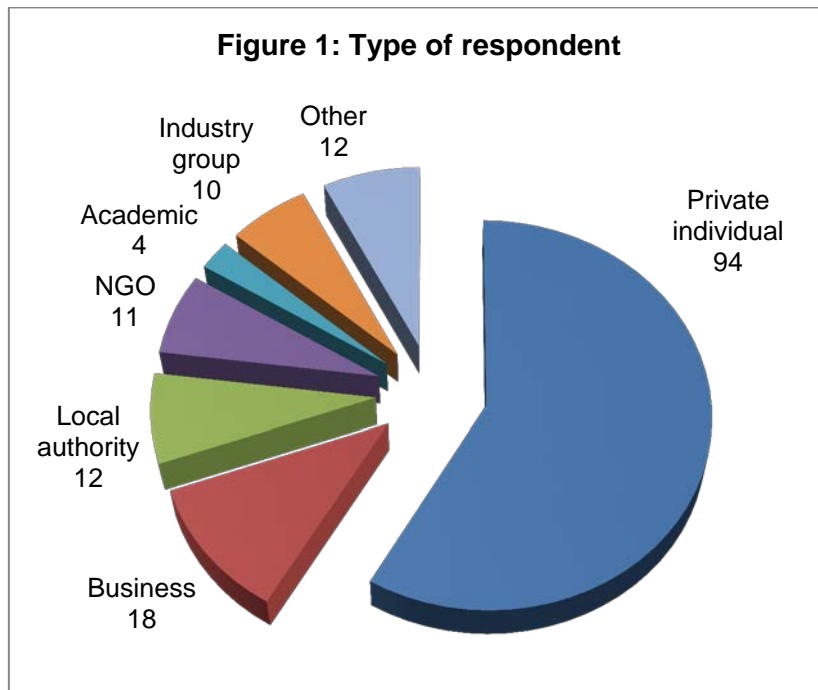
8. We received 185 responses to the questions of the Call for Evidence.
9. In parallel, we received just over 2000 emails on the broader shape of the charge, predominantly as part of campaigns by the Campaign to Protect Rural England (1799), the Marine Conservation Society and partners (129) and Surfers Against Sewage (96).
10. The concerns raised in these emails centred around the focussed nature of the Call for Evidence and the lack of opportunity to comment on some of the main elements of the scheme (paper bags exclusion, small business exemption and the biodegradable bag exemption).
11. The Call for Evidence was a request for evidence to support policy development. Understandably for such a public document, a majority of responses gave views or opinions. While every response was considered, this summary of responses will set out the quantitative data that was received and the main points that were raised by respondents.

Presentation of the data

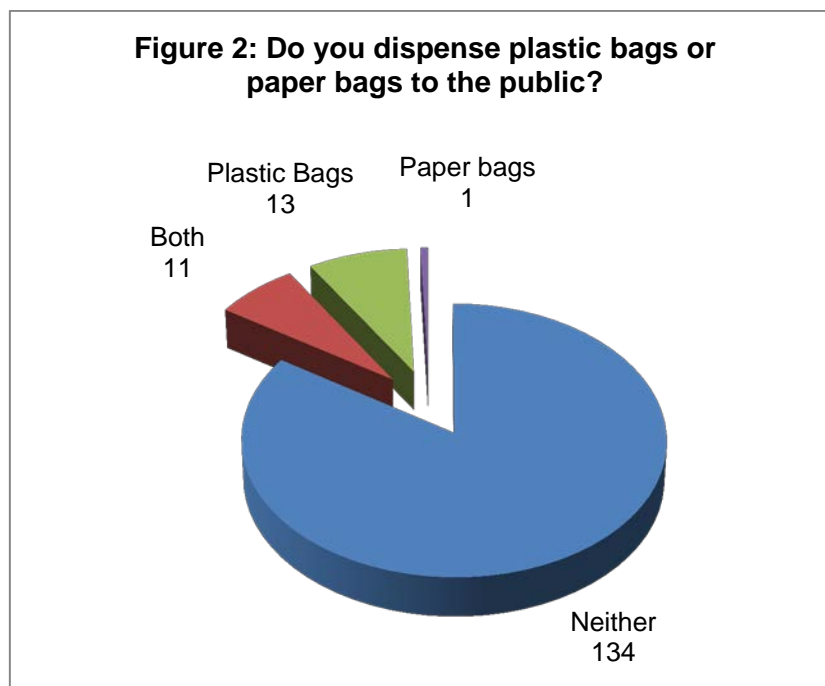
12. While the vast majority of response to the Call for Evidence were received via the online questionnaire, we also received a small but significant number as free-text attachments to emails.
13. This summary attempts to capture the relevant points from both types of responses received, though it has been easier to present the questionnaire responses in an aggregated manner (i.e. responses to a multiple-choice question represented in a pie chart).
14. One other important point to note when reading this document is weighting of responses. We have chosen not to weight the responses on the size of the organisation from whom they were received. This means that a sentence reading “58% of respondents agreed with...” does not differentiate between a single response from a private individual and a single response from a large retail business.

Your details

Question 1: From what perspective are you answering these questions?



Question 2: In that capacity, do you dispense plastic bags or paper bags to the public?



Question 3: If you are an organisation outside of Government, what sort of organisation are you?

15. We received responses from a wide range of organisations, including:

- Plastic and paper bag manufacturers
- Bio-plastics manufacturers
- Recycling and reprocessing businesses
- Start-up businesses
- Newsagent representatives
- Small business trade associations
- Bakery retailers
- Renewable energy representatives
- Environmental charities
- Industry trade associations
- Major grocery retailers
- Retail trade associations

Making people aware

Question 4: How else should people be told about the charge, in order to make it more effective?

16. A wide range of suggestions were received about how to inform people about the charge. 20 respondents, mostly private individuals, suggested using social media or websites as a tool for getting the message out. 63 respondents from local authorities, industry and members of the public suggested that advertisements, particularly on television, would be the most effective way of reaching households. Four respondents suggested advertising posters on public transport.

17. 47 respondents from industry, NGOs (Non-Governmental Organisations, such as charities) and local authorities suggested communicating via mainstream/local media with an explanation of why the bags should be paid for and reminding customers to reuse bags. 16 suggestions from the public, NGOs and industry/retailers were made about early warnings and a national campaign by local and regional authorities, trade associations and retailers.

18. 10 respondents, from private individuals, industry and NGOs, suggested raising awareness at the point of sale. There was support for a standard notice in shops with 34 suggestions, mainly from industry, NGOs and the public. Two respondents suggested mandatory signage informing customers of the charge.
19. There were 15 references, from industry, the public, NGOs and local authorities, on educating in schools, workplaces, retailers and consumers. One private individual suggested printing the information in Braille for the visually impaired.
20. Two respondents from industry suggested printing the message on plastic bags to inform consumers of the change well in advance of implementation. Seven retailers and local authorities were in favour of the Government establishing a helpline for customers and retailers to enhance customer awareness.

Biodegradable bags

Question 5: What evidence do you have that bags currently labelled 'biodegradable' or 'compostable' degrade on land, at sea and in anaerobic digesters?

21. Many individual responses provided anecdotal evidence regarding their experience of bags labelled as 'compostable' within their home composting bin. Three years was the most commonly stated timeframe for the bags to degrade to a point at which they were no longer visible.
22. There was clear confusion from individuals about the terms 'biodegradable' and 'compostable', with only four individual respondents mentioning that they were aware that bags labelled compostable are currently only suitable for industrial composting conditions. Some respondents were also concerned that people would litter more if they believed the bags would biodegrade.
23. Three respondents specifically mentioned their experience of beach clean-ups and the prominence of plastic bags, including biodegradable bags, in the litter collected and the harm to wildlife that these could cause. Another common concern was that exempting biodegradable bags would detract from the message to re-use single-use plastic bags.
24. The evidence provided by respondents ranged from research into the effects of plastics in the marine environment to testing methods for international standards. The responses gave further information on the specifics for the standard ISO17556:2012 and some useful analysis of standards of bio-based materials by KBBPPS through the EU seventh framework programme.

Question 6: Please provide evidence that demonstrates how bags labelled 'biodegradable' or 'compostable' currently behave in the waste stream. And evidence on how any problems with their behaviour can be mitigated.

25. There was clear concern amongst recyclers and re-processors over the possible risk of contamination, though there was some disparity of opinion on the ability to separate biodegradable bags out of the recycling stream. Several local authorities mentioned that they have not been using bags currently labelled as biodegradable or compostable, as anaerobic digestion (AD) plants and composters do not take those types of plastic bags. Defra is aware of this concern and launched a Small Business Research Initiative to encourage innovation into recognition and separation techniques.
26. Two respondents felt that the focus should be on appropriate collection mechanisms whereby biodegradable bags would be used for specific purposes only (e.g. food and garden waste collection).
27. One NGO felt that a full life cycle analysis should be completed and compared to that of a normal plastic single-use bag. Suggestions from respondents for improving the life cycle analysis results for biodegradable plastic bags included clearer separation and good consumer information.
28. Respondents provided details of a research report by the Transfer Centre for Polymer Technology for the European Plastics Converters regarding plastics processing contamination, published in 2013. Some useful links were also received on the compatibility of bags labelled with EN13432 in industrial composting plants and anaerobic digesters.

Question 7: Do you have any specific evidence on particular criteria for biodegradable bags that would decrease the negative impact of bags on the environment?

29. Many of the responses to this question from businesses argued that bags currently labelled as 'biodegradable' or 'compostable' are not better for the environment than a single-use plastic bag and that a new or updated standard is required. Criteria from several current standards were referenced by respondents. Defra is looking into all of the standards included in responses that may contain relevant criteria.

30. Suggestions from respondents of criteria for a biodegradable plastic bag were:

- produced from plant material and are compostable
- bags using materials from sustainable, non-oil-based sources
- the level of resource used to make the bag
- rapid and harmless biodegradation in the environment
- they would have to fully degrade once composting starts in under 12 months
- bags need to be oxo-biodegradable and tested to show that they (a) degrade (b) biodegrade, and (c) do not contain heavy metals and are not eco-toxic
- limit the film gauge for biodegradables to fewer than 49 microns (like biowaste bags)

What will happen to the money

Question 8: What information should organisations have to publish annually?

31. There was agreement from the majority of respondents (over 80%) that organisations should have to publish some plastic bag data. In particular, private individuals and local authorities were heavily in favour of the publication of most of the data suggested.
32. Several respondents felt that the approach to publishing plastic bag data in England should adhere to that taken in Wales, where organisations with fewer than 10 employees are not required to keep records. Two private individuals felt that requiring publication of any information would be unnecessarily burdensome.
33. A private individual suggested that the publication data should be in the form of bulk estimates, rather than exact quantities, to reduce burden while still measuring impact. Another felt that the plastic bag usage data should be published in equivalent terms that would be clearer to the public, such as barrels of oil saved.
34. A local authority representative suggested that publication should be at the same time annually to allow the public to make direct comparisons between the performances of different organisations. They also suggested that the amount of VAT likely to be taken

from the proceeds of the charge should be made available alongside the other pieces of data.

Donating the proceeds

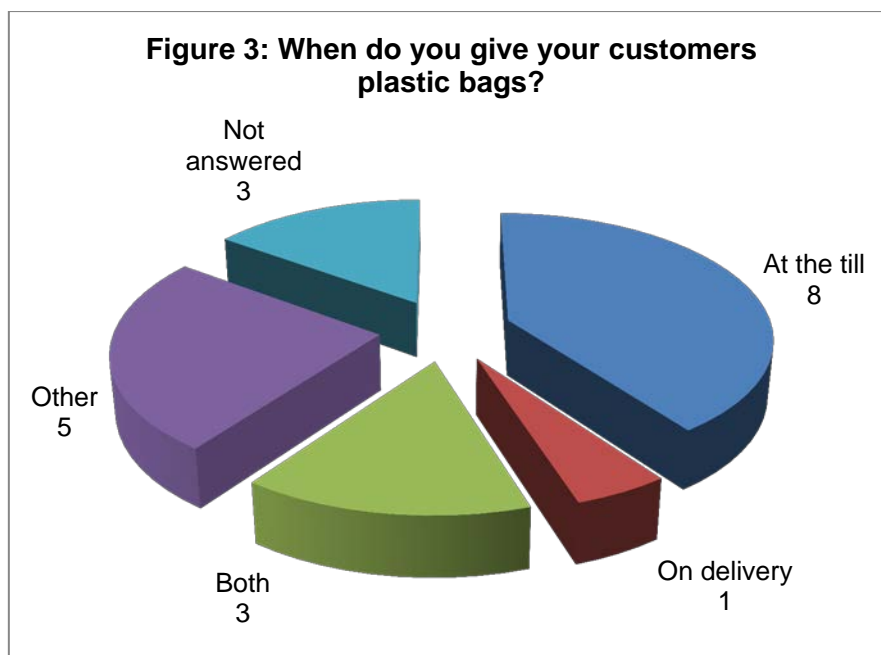
35. A range of suggestions were given for how organisations could be encouraged to donate their profits. It was felt by 10 respondents (comprising private individuals, local authorities and NGOs) that the money should go to local causes, with nine respondents (comprising private individuals, local authorities, NGOs, an academic and an industry group) preferring those causes to be environmental. Two respondents (a trade association and a private individual) felt that the proceeds being channelled to local causes would help retailers to strengthen their ties with their communities.
36. Eight respondents (including local authorities, NGOs, private individuals and an industry group) felt that the proceeds of the charge should be used on specific litter reduction measures. These included recycling facilities and anti-littering campaigns.
37. Two respondents (a business and a private individual) suggested that the details of which good cause was receiving the charge proceeds should be printed on the plastic bags, while two private individuals were concerned that too strong a link between plastic bags and good causes could encourage plastic bag usage as a form of donation.
38. A retail trade association and an NGO supported the idea of a voluntary agreement to set out how the proceeds were spent, as happens in Wales. An NGO felt that the Government should agree a target with charging organisations for the proportion of the net proceeds that would be given to good causes.
39. An NGO also noted that the publication requirements should be put in place before the introduction of the charge, in order to establish a baseline for plastic bag usage. They felt that this would show more clearly the impact of the charge on plastic bag distribution in England.

Questions for organisations distributing carrier bags

Question 9: When do you give your customers plastic bags?

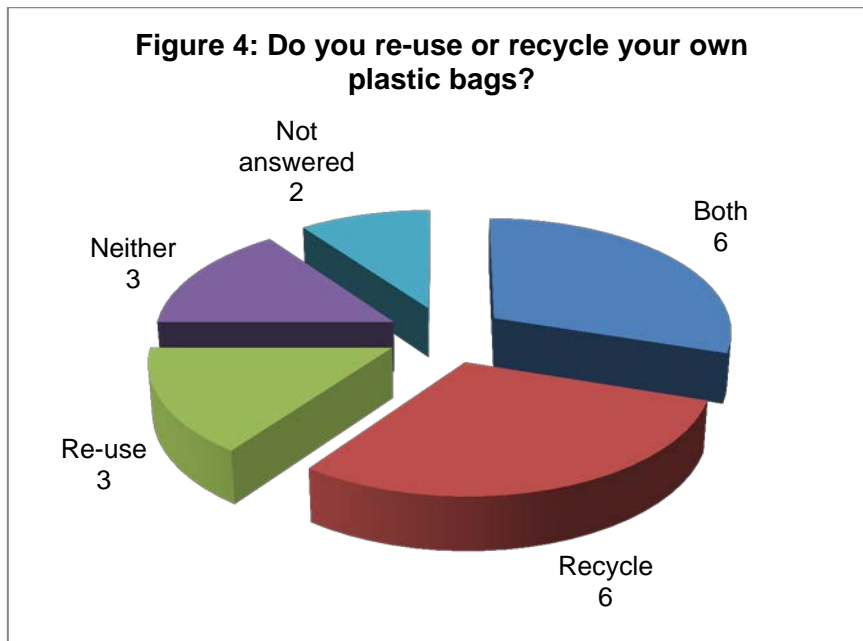
- at the till
- on delivery
- both
- other

40. Of the 20 organisations that distribute plastic bags, Figure 3 shows that most give them out at the till. A sizable proportion give them out on delivery and the large 'other' section includes organisations that give out plastic bags during medical consultations and at self-scan checkouts.



Question 10: Do you, as an organisation, re-use or recycle your plastic bags?

41. Of the 20 organisations that give out plastic bags, most recycle them and a large proportion re-use them.



Bags for life

Question 11: Does your organisation sell Bags for Life? If so, how many do you sell per year and how much do you charge for them?

42. Several businesses, industry groups and an NGO stated that their organisations sold Bags for Life. A retail trade association reported that the highest number of bags sold by one of its members representing 325 stores was 1.9 million bags each year, followed by 2,000 bags by a member representing 1280 stores. 8.1 million Bags for Life were sold in 2012 at 10p each by a member of an industry group. A number of other stores reported that they distributed 200 Bags for Life per year.
43. An industry group stated that its members sell Bags for Life at prices ranging from 5p to 12p. Two retailers reported that they currently sell Bags for Life at 6p and 10p each and another sold cotton bags for 99p each.
44. One respondent specifically said that their organisation sold green waste bags for collection of compostable rubbish at £3.50. A member of a community group said that the group sold cloth carriers and donated shopping bags, but that they did not sell plastic Bags for Life.

Question 12: How much does it cost your organisation per year to stock:

- single-use plastic bags
- paper bags
- Bags for Life

45. Three businesses submitted their annual costs from stocking single-use plastic bags, which were £60, £7,500 and £20,000. A trade association for independent news and convenience retailers advised that stocking plastic bags costs news retailers between £1000 and £2500 per year, and up to £5000 for larger convenience stores.
46. Another trade association for convenience stores reported that the costs associated with bags had halved for one independent retailer who had introduced a charge for plastic bags. The trade association said that it was for this reason that convenience stores are supportive of charging for bags.
47. A retail trade association and a large multi-outlet retailer stated that single-use carrier bags are a significant service cost for the retail sector. They noted the high level of competition in the sector and the importance of good customer service, both of which led to virtually all retailers introducing 'free' plastic carrier bags in the 1980s. They saw potential for the retail industry to follow a similar pattern on paper bags (since they are exempt from the charge) despite suggesting that paper bags were two to three times more expensive than plastic bags and had a higher impact in terms of carbon emissions.
48. One large retailer reported that they spent a roughly equal amount on single-use plastic bags and Bags for Life, but that a major part of the cost of bags is administrative (e.g. making orders and receiving deliveries) and this part would not necessarily fall by the same proportion as the number of bags used.
49. One community store stated that it cost £30 to stock paper bags per year. A recycling company estimated that paper bags cost twice as much as plastic bags. A retailer trade association for convenience stores reported that only 7 of 2200 stores surveyed stocked paper bags, and that the store which used paper bags most often stocked 600 per year at a cost of £400.
50. The cost to the convenience store sector of stocking Bags for Life, estimated by the retailer trade association, was just under £500,000 per year, but that for 15% of stores dispensing Bags for Life was cost-neutral.

Wider evidence on bag usage and costs

51. In order to better understand the environmental and financial impact that this charge will have in England, we are interested in wider evidence that might be available.

Question 13: Please provide any estimates you are aware of at the sectoral or national level, as available, of:

- the total number of single-use plastic bags, bags for life and bin liners (broken down by type – pedal, swing, refuse bags, etc.) currently used in England, preferably broken down by type of retailer where they originate (i.e. supermarkets, large high street chain stores and SMEs);
- where the bags (all types mentioned) used in England are produced (UK or overseas);
- current bag usage patterns by type of retailer (number of items per bag and bags per £1 spent) for each kind of bag;
- current levels of re-use of Bags for Life and single use-plastic bags (e.g. as bin liners);
- current costs to retailers and consumer prices of single use plastic bags, Bags for Life and bin liners (broken down by type – pedal bin bags, swing bin bags, refuse bags etc);
- the environmental costs of bin liners, Bags for Life and single-use plastic bags in terms of life-cycle carbon impact;
- the costs of clearing up littered single use plastic bags in urban areas, by roadsides and along coastlines;
- the waste treatment costs for single-use plastic bags.

52. No new estimates were provided on the number of bags used but many responses referred to data held by WRAP and retailers. A bakery retailer reported that, across the UK, their organisation used around 400 million paper bags and 100 million single-use plastic bags each year. A number of responses pointed out the difficulty of identifying the share of plastic carrier bags in household waste and litter, since plastic bags are only one component of the wider category of plastic films. Evidence submitted suggests that in north London in 2009/10, plastic film waste made up 7.5% of litter bin waste and 3.5% of street sweepings.

53. A plastic producer trade organisation reported that bags are mainly produced overseas in Europe and Asia, but that a number of UK manufacturers remain. On re-use patterns, some individuals stated that their households re-use single-use plastic bags as bin liners.

54. Several organisations representing producers of biodegradable plastics highlighted research which shows that biodegradable plastics have a favourable impact on the environment when compared to conventional plastics.

55. On litter, several responses suggested using data from local authorities on street cleansing costs since a proportion of this is associated with plastic bag litter. Responses from individuals and campaign groups noted that some litter clean-up activity in rural communities and along coastlines is undertaken by volunteers, and that if their time was valued in monetary terms this would be a significant cost.
56. In addition, the point was made that due to their structure and weight plastic bags are often blown by the wind to areas not reached by standard litter clean-up activities, such as trees, hedgerows and waterways. It was suggested that this means they have a disproportionate impact in terms of the total cost of cleaning litter.
57. A local authority reported that waste treatment costs for single-use plastic bags are difficult to disaggregate from total waste management costs. It also gave results from a 2010 survey of kerbside collected wastes that 4.2% by weight of the combined waste stream and 6.0% of the residual waste stream was composed of plastic film (including single use plastic carrier bags). It also noted that its Local Authority Collected Municipal Waste (LACMW) cost is approximately £100 million per annum.
58. A waste management expert suggested that, since most plastic bag film in the municipal waste stream ends up in the residual stream and is either landfilled or incinerated, the cost of disposal is approximately £110 per tonne including transport costs. A private individual noted that WRAP report that 72,000 tonnes of plastic bags are used in the UK. The individual calculated that, if 75% go to landfill with an average disposal fee of £100 per tonne, the total cost is £5,400,000 per year.
59. A trade association representing the waste management industry reported that plastic carrier bags are problematic for Materials Recovery Facilities (MRFs), since the bags regularly clog up the sorting equipment and slow down the sorting process. They suggested that this adds considerable costs for waste management companies. While there are no estimates for single-use plastic bags in particular, the overall costs for all plastic bags are substantial for the MRF operators. There is also an increased Health and Safety risk associated with staff switching off clogged up sorting facilities and working on large pieces of equipment.
60. One trade association stated that, in Italy, around 53,000 tonnes of non-compostable plastic have to be removed from waste management equipment and sent for disposal each year at a cost of £8 - 10m. They noted that, in England, the quantity of non-compostable plastic is in the region of 64,000 tonnes, costing at least £15m per year.

Question 14: Do you have any evidence of the cost of compliance to organisations of the various different parts of the expected regulations and of any potential impacts of the charge on levels of customer demand?

61. The private individuals who responded to this question almost all stated that they expected consumers would reduce their use of plastic bags significantly by bringing their own bags, thus avoiding paying the charge. This was based on how they themselves currently behave, how they say they would respond to the charge and evidence from Wales, Northern Ireland, Republic of Ireland and Sweden. A supermarket operating in Wales had seen an 87% fall in plastic bags following the introduction of the charge, while a large bakery retailer saw little change in bag usage.
62. A producer of plastic and paper carrier bags was concerned that the charge for bags might drive consumers to purchase goods online instead of in high street stores. They argued for the charge to apply to food retailers only.
63. A small, independent retailer raised concerns that the exemption for SMEs gives an unfair competitive advantage to larger retailers if they are able to deduct the cost of bags from the charge. Although SMEs can voluntarily introduce a charge, consumers would assume that small shops should not charge for bags. They argued that the charge should apply to all organisations to ensure a level playing field.
64. A trade association representing independent news and convenience retailers also called for the charge to apply to small businesses. This would reduce their costs since they would have to purchase fewer bags to give out to customers. The association's members in Wales and Northern Ireland reported these benefits from being included in the charge. Another trade association also supported the call for small businesses to be included in the charge, but said it was important that they be exempt from the administrative requirements of the regulations to avoid extra regulatory burden.
65. Several respondents warned that, since paper bags are out of scope of the charge, there may be a shift towards paper bag use by retailers. Large retailers warned that the extra costs of paper bags could ultimately be passed on to consumers through retail food price inflation.
66. Several large retailers operating in Wales stated that the cost of complying with the charge there had been relatively low after initial training and communications. They were concerned that the proposed differences between the charge in England and that in Wales would increase costs of compliance.
67. A large online grocery retailer said that its current system makes it impossible to know how many bags will be used to fulfil each order, so would therefore need changing. A supermarket estimated that complying with the charge in England would cost around £4m in capital costs to update checkout facilities and change information provided to customers. It called for businesses to be able to reclaim such costs from the charge.
68. Another large retailer listed all the types of costs incurred when implementing the charge in Wales and Northern Ireland: changes to IT systems; materials and time to train employees; customer communication and administering the proceeds to charity.

Exemptions

69. The Call for Evidence proposed that some types of single-use plastic carrier bags are exempted from the charge on practical or public health grounds. In addition, some bags used for specific purposes were proposed for exemptions. The rationale for the proposed exemptions is to replicate the exemptions used in Scotland, Wales and Northern Ireland as closely as appropriate. This is to minimise confusion for the public and additional burden on cross-border organisations.

Question 15: Do you have evidence or case studies that provide information on the proposed exemptions to the charge?

70. About 50 responses to this question were received.

What types of bag should be exempt from the charge

Proposed exemption	Comments received
Sealed bags supplied by a seller before the point of sale	None
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)	None
Bags for packaging and delivery of mail or mail order goods	None
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 (i.e. small bags for haberdashery)	None
Gusseted liners used either to line or cover boxes or other items (i.e. crate liners)	One NGO suggested that these liners are frequently found littered on beaches by its members.

What bags used for specific purposes should be exempt from the charge

Proposed exemption	Comments received
Bags used to contain unpackaged food intended for human or animal consumption. This includes unpackaged meat or fish, unpackaged bread and loose items such as fruit and vegetables or dog biscuits	Two responses welcomed this. A number of responses suggested that paper is used for this purpose.
Bags used to contain loose, unpackaged seeds, bulbs, corms (e.g. crocuses) or rhizomes (e.g. irises)	One trade organisation suggested that this should be extended to unpackaged loose DIY items such as screws, washers, door knobs and coat hooks.
Bags used to contain any unpackaged axe, knife, knife blade or razor blade	No comments received
Bags used to contain unpackaged goods contaminated by soil	No comments received
Bags used to contain packaged uncooked fish, meat or poultry and the maximum dimensions of which are 205mm (width) x 125mm (gusset width) x 458mm (height including handles)	No comments received
Bags used to contain purchases made on board ships, trains, aircraft, coaches or buses	A number of responses suggested that plastic bags should not be provided on ships at all. Paper or a biodegradable alternative should be used. Seven responses from private individuals disagreed with this exemption.
Bags used to contain products sold or supplied in accordance with a prescription, provided free as part of other NHS services	Two responses suggested that paper bags can be used for this purpose
Bags used to contain medicines (i.e. from a qualified pharmacist or GP)	Two responses suggested that paper bags can be used for this purpose
Bags used to contain live aquatic creatures in water	One response suggested that this was not needed. One respondent supported this exemption and suggested that it should be extended to the outer darker bag holding the fish, in order to protect it from fluctuations in light and temperature.

Other possible exemptions

Question 16: Do you have evidence on the inclusion of this or any other exemptions?

71. 39 responses to this question were received. Exemptions were suggested for:

- bags containing post-consumer recycled material as this is important to increase recycling activity within the sector of plastic carrier bag production
- bags containing at least 50% bio-based content
- certified compostable bags or bags made from over 90% natural resource material
- compostable carrier bags that are specifically designed to be reused as food waste caddy-liners, provided that a) the bag dimensions are appropriate for the secondary use as a caddy-liner b) the bag is made of a single EN13432 certified material c) the material used must biodegrade quickly enough to meet the requirements of industrial composting facilities in the UK
- all pharmacy sales, such as incontinence products, pregnancy test products, to avoid embarrassment for the customer
- bags provided by local authorities, contractors and other organisations for waste management purposes on public health grounds
- bags provided by local authorities or partners to promote public services or to encourage behaviour change, e.g. waste prevention
- bags used by deli or fresh food counters
- bags that are being re-used by charity shops
- more sustainable bags that are proven to:
 - be re-usable
 - be recyclable
 - contain significant recycled or renewable / bio-based content
 - have a reduced carbon footprint
 - have a reduced fossil fuel consumption

72. Three responses suggested that single-use plastic carrier bags with a thickness of 25 or 29 microns and above should be included in the scope of the charge as these are strong enough to be reused.

73. Two retailers suggested that there should be no exemptions for online groceries, although this wasn't one of the proposed exemptions. 16 responses suggested that 'food on the go' should not be excluded from the charge (one retailer, an NGO and fourteen private individuals) and five responses (trade organisations, retailers and business) suggested that it should be exempted.

74. One retailer mentioned that retailers are obliged by licencing conditions or local bye-laws to pack any alcoholic products sold into a branded carrier bag. They suggested that the Government should either exempt these bags from the scope of the charge or work with the Home Office to issue instructions to local authorities and licensing authorities to remove this licencing condition.
75. 23 respondents said that no exemptions to the charge should be applied at all, while two respondents felt that all bags should be exempt. One response suggested that the charge should be applied to any plastic wrapping, container or bag that is of a specified thickness or less. An NGO suggested that provisions should be made in the regulations to remove any exemptions at a later date should it be deemed necessary.
76. One large supermarket suggested that all its stores operate on an individual profit-and-loss basis, so would therefore be included within an SME exemption.

How to enforce the charge

Question 17: Do you have any evidence on the effectiveness of this proposal for enforcement or an alternative to recommend?

77. Just over 30 responses to this question were received.

78. Private individuals suggested that:

- a mechanism for the public to report non-compliance should be included
- spot check audits are introduced by "mystery shoppers" to deter retailers not applying the charge
- significant fines should be imposed for non-compliance
- the administration should be partly funded by the levy and fines and fined parties should be publicly named through the media and other official means.
- simple guidance should be issued to Trading Standards Officers (TSOs) on taking action only when there is a systematic failure by a retailer to charge for bags.
- TSOs should also check if retailers were charging for exempt bags

79. Several private individuals and local authorities were concerned whether local authorities/trading standards will receive any extra funding for enforcing the charge. Five responses supported the suggested arrangements for enforcement on the basis that they work in Wales and Northern Ireland. A number of responses were concerned that TSOs would have other, more important priorities than enforcing the charge. A partnership of local authorities suggested that the Environment Agency would be better placed to enforce the charge as TSOs would not be funded to carry out this enforcement.

80. A number of retailers, local authorities and trade associations suggested that enforcement of the regulations should be intelligence-led, with those responsible for enforcing the regulations taking an evidence, advice and risk-based approach. They also suggested that any regulations should be brought into the scope of Primary Authority arrangements in order to ensure a consistent approach to enforcement.

81. One retailer suggested that there should be a grace period when the charge is introduced, as was the case in Northern Ireland. They also suggested that the Government give guidance on how online grocery deliveries should be dealt with.

Civil sanctions

Question 18: Do you have any evidence on the effectiveness of this proposal for dealing with non-compliance or an alternative to recommend?

82. About 16 responses to this question were received. Four respondents supported the proposed arrangements.
83. One local authority suggested if it would be possible to introduce a type of Fixed Penalty Notice (FPN) system in line with parking enforcement. Alternatively, they suggested that there could be a traffic light system where businesses are given a warning first and then face civil enforcement if they re-offend within three months.
84. Three retailers suggested that fixed penalties can lead to a tick box approach to enforcement whereby businesses are reluctant to seek advice, a greater number of penalties are imposed for minor infringements and rogue retailers accept an administrative penalty as one of the costs of doing business their way. One retailer and a trade association suggested that enforcement officers should be given discretion as to whether or not to impose a fine, following representations from the retailer.
85. One NGO suggested that civil sanctions for non-compliance should follow the same process as for current packaging civil sanctions, i.e. the offending business can donate their sanction payment to support an environmental charity. One local authority asked what incentives were being considered for organisations to charge.
86. Respondents also suggested that:
- Guidance should be issued to TSOs on civil sanctions
 - No civil sanctions are necessary as organisations have a clear interest in profiting from the charge.
 - Naming and shaming should be enough as a sanction.
 - Civil sanctions are seen by the informed public and the legal professions as a way of avoiding burdens of proof. Enforcement is likely to bring environmental protection into disrepute.

Next steps

87. The evidence that you provided for this Call for Evidence will inform the drafting of the Regulations for the plastic bag charge in England. These Regulations will be drafted during 2014 and we intend that they should come into force on October 2015.
88. Thank you for contributing to this Call for Evidence.

Annex A: Explanation of scope

Paper Bags are out of scope

- This is a focussed charge on single-use plastic bags, as they represent the vast majority of carrier bags used in England.
- Paper bags make up less than 0.1% of carrier bags distributed in the UK by the 7 major supermarket retailers.

Small businesses are exempt

- Government has chosen to exempt SMEs from the plastic bag charge to reduce the admin burden on start-up and growing businesses in England at a time when the Government is supporting new growth in our economy.

Biodegradable plastic bags are exempt, if they meet defined criteria

- We recognise that carrier bags are a useful item and that there will always be a need for some form of bag, for example for impulse buys.
- We are therefore looking to develop standards with industry, for a biodegradable bag that has fewer environmental impacts across its life cycle not just its end of life impacts.
- The exemption for biodegradable bags will not be included in the legislation until standards for the bags have been finalised. This means the exemption will not come into effect with the legislation for the 5p charge in October 2015

Annex B: List of respondents

Advanced Enzyme Science Limited
Asda
Alber & Geiger
Ashford Borough Council
Association of Convenience Stores
Axion Recycling
Bassett Holdings Ltd
Barton Mills Boarding
Biotech GmbH
British Association for Shooting & Conservation

British Hospitality Association
British Polythene Industries Plc
British Plastics Federation
British Retail Consortium
BASF
Blythburgh Village Shop
Borough of Poole
Braintree District Council
Braskem
Braskem Netherlands BV
Bunwell Parish Council
Canterbury City Council
Charity Retail Association
Chase Plastics Ltd
Chartered Institution of Wastes Management
Co-Gas Safety
Colchester Borough Council
Campaign to Protect Rural England
Dorset Badger Vaccination Project
Dorset Court Action Ltd
Dover District Council
EK Services
Emrc
En10ergy Limited
Environmental Services Association
ERM Ltd
European Bioplastics
European Plastics Converters
Gravesham Borough Council
Greater London Authority
Greater Manchester Waste Disposal Authority
Greener Kingston
Greener upon Thames
Greggs Plc
Global Trading UK Limited
Hampshire County Council
Hope Recycling
Keep Britain Tidy
Kent Resource Partnership
Lancaster Green Spaces
Local Authority Recycling Advisory Committee
Local Government Association
London Borough of Waltham Forest
London Borough of Camden
Leicestershire Waste Partnership

Maidstone Borough Council
Marks & Spencers
Marine Conservation Society
Merseyside Recycling & Waste Authority (on behalf of Merseyside & Halton Waste Partnership)
Morrisons
Mtm Plastics GmbH
Narocon
National Federation of Retail Newsagents
North London Waste Authority
North Tyneside Council
Novamont
Ocado
Ornamental Aquatic Trade Association
Oxo-biodegradable Plastics Association
Packaging and Films Association
Peter Quinn Associates
Pharmacy Voice
PlasRecycle
Recoup
Renewable Energy Association
Royal Botanic Gardens Edinburgh
Royal Society for the Protection of Birds
Sainsbury's Supermarkets Ltd
Sevenoaks District Council
Sheffield Area Geology Trust
Shepway District Council
Solutions 4 Plastic
Stafford Borough Council
Surfers Against Sewage
Sussex Wildlife Trust
SustainIt
Swale Borough Council
Tesco
The Co-operative Group
The Booksellers Association
The Industry Council for research on Packaging and the Environment
Trading Standards Institute
Trees for Cities
University of Cambridge
Walkers Books Ltd
Watts News
Wells Plastics Ltd