

North Tyneside Council

Report to Cllr Sandra Graham, Cabinet Member for Environment

Date 27 January 2022

Title: North Tyneside Council Response to the Government Consultation on proposals to ban commonly littered single-use plastic.

Portfolio: Environment	Cabinet Member: Cllr. Sandra Graham
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Report from Service Area:

Environment Housing and Leisure

Responsible Officer:

Phil Scott, Director of Environment, Housing and Leisure

Tel: (0191) 643 7295

Wards affected:

All

PART 1

1.1 Executive Summary:

The purpose of this Government consultation is to seek views on banning the supply of single use plastic plates, cutlery, balloon sticks, and expanded and extruded polystyrene cups, and food and beverage containers in England. Government is particularly seeking views on the potential environmental impacts of substitute items, additional costs or constraints to business resulting from a ban, the impact on the price of non-plastic alternatives as the scale of production of these items increases, and predictions and views on the impact of a ban on consumers.

Government is planning to act against these items as they are either commonly littered, not commonly recycled, or both. For instance, current estimates suggest that only 10% of single-use plastic plates and cutlery are recycled upon disposal. Furthermore, plastic cutlery was in the top 15 most littered items by count in Defra's 2020 Litter Composition Report.

A ban was chosen as the policy measure as it will ensure the desired change and associated environmental benefits are felt quickly and ensure that these are sustained into the future. Also, and importantly, our understanding is that there are viable alternatives available to these items.

This report seeks approval of the Cabinet Member for Environment, on the Authority's response to the Government consultation.

1.2 Recommendation:

It is recommended that the Cabinet Member for Environment:

- a) Note the contents of the report;
- b) Agree that the Authority should respond to the consultation; and
- c) Approve the draft response attached as **Appendix 1** and, in consultation with the Director of Environment, Housing and Leisure, make any final amendments to the draft response before the submission of the final response to the consultation.

1.3 Forward Plan:

Twenty-eight days' notice of this report has been given and it first appeared on the Forward Plan that was published on 3 December 2021.

1.4 Council Plan and Policy Framework

This report relates to the following priorities in the 2021 - 2025 Our North Tyneside Plan:

As Green North Tyneside we will:

- Keep increasing the amount of waste that can be recycled and introduce food waste collections and deposit return schemes
- Crack down on littering
- Publish an action plan of the steps we will take and the national investment we will seek to make North Tyneside carbon net-zero by 2030.

1.5 Information:

1.5.1 Background

The Government's 25-year Environment Plan (A Green Future: Our 25 Year Plan to Improve the Environment) pledges to work towards eliminating all avoidable waste by 2050 and all avoidable plastic waste by 2042, as well as working towards no food waste entering landfill by 2030. The Waste and Resources Strategy recognises the importance of creating a more circular economy, which maximises the value of resource use and minimises waste and its impact on the environment.

As part of Governments wider strategic approach to transitioning to a circular economy and reducing consumption of raw materials and resources, this year, Government has consulted on an extended producer responsibility scheme for packaging, a deposit return scheme for drinks containers, and the introduction of consistent collections of household waste in England. North Tyneside Council has provided feedback via the consultation process on these aspects as the authority recognise that these measures will drive up reuse, refill and recycling rates, reduce plastic waste and enable us to manage waste more effectively.

This consultation will initiate new policy proposals to ban single-use plastic items, which may not be addressed sufficiently by existing policies or other policy proposals.

1.5.2 Specific Consultation Focus:

The consultation outlines the Governments proposals to ban the supply of the following single-use items in England:

- Plastic plates
- Plastic cutlery
- Plastic balloon sticks
- Expanded and extruded polystyrene food containers
- Expanded and extruded polystyrene beverage containers, including cups.

The proposed restrictions on plates, cutlery and balloon sticks will include all plastics, including bio-based, biodegradable and compostable plastics.

It is proposed bowls and trays are included in the definition of 'plates' however Government are considering excluding plates, bowls and trays used as packaging from this ban, except those used in 'eat-in' settings. For example, a single-use plastic plate filled with food at the point of sale would fall under the definition of packaging.

It is proposed that extruded polystyrene food and beverage containers should be within the scope of the ban on expanded polystyrene containers.

It is proposed that the ban will be enforced principally through civil sanctions set out in regulations under Part 3 of the Regulatory Enforcement and Sanctions Act 2008.

It is expected that enforcement authorities would apply civil sanctions in the first instance and a failure to comply may result in authorities prosecuting for a criminal offence subject to a fine only after a failure to comply with a civil sanction.

It is proposed the ban on these items will take effect from April 2023, with the legislation being laid in Parliament prior to this.

1.6 **Decision options:**

The following decision options are available for consideration by Cabinet Member for Environment:

Option 1

Decide that a response to the consultation be submitted and approve the proposed course of action set out at 1.2 to allow the response to be submitted.

Option 2

Decide not to submit a response to the consultation.

Option 1 is the recommended option.

1.7 **Reasons for recommended option:**

Option 1 is recommended for the following reasons:

The response to the consultation will enable the Authority to communicate its view to the consultation and support delivery of the objectives of the North Tyneside Waste Management Strategy 2013-2030 and the 10 Year Plan for Waste.

1.8 Appendices:

Appendix 1: North Tyneside Council draft response to the Government Consultation on proposals to ban commonly littered single-use plastic

1.9 Contact officers:

Paul Nelson, Environmental Sustainability and Street Lighting Manager (0191) 643 6467
Michael Keenlyside, Environmental Sustainability Officer (0191) 643 6505
Colin MacDonald, Senior Manager, Technical and Regulatory Services, (0191) 642 6620
David Dunford, Senior Business Partner, Strategic Finance, (0191) 643 7027

1.10 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

- 1) [North Tyneside Waste Strategy 2013-2030](#)
- 2) [North Tyneside Waste Strategy 2013-2030, Cabinet Report 14 October 2013](#)
- 3) [North Tyneside Local Plan, 2017-2032](#)
- 4) [Climate Change Emergency Declaration, Full Council July 2019](#)
- 5) [A Green Future: Our 25 Year Plan to Improve the Environment, HM Government 2018](#)
- 6) [Our Waste, Our Resources: A Strategy for England, HM Government 2018](#)
- 7) [Environment Act 2021](#)
- 8) [Waste Framework Directive, 2008/98/EC](#)
- 9) [Circular Economy Package, EU 2018](#)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

There are no finance or resource implications directly arising from this report.

There may be financial implications arising in the future from measures relating to the implementation of future government's proposals. These will be reported to Council / Cabinet, as appropriate, at the time, for a decision before any expenditure is incurred.

2.2 Legal

There are no legal implications directly arising from this report.

The Local Government Act 2000 permits the Elected Mayor to determine how functions which are the responsibility of Cabinet should be discharged. The options include such functions to be discharged by Cabinet as a whole, single members of Cabinet acting alone, committees of the Cabinet, or officers.

The Authority's Constitution (Part 3.4) contains the Elected Mayor's Delegation Scheme. That Scheme lists the decisions that the Elected Mayor has delegated to individual Cabinet members and includes "approving the Authority's response to government consultation papers".

2.3 Consultation/community engagement

2.3.1 Internal Consultation

The Authority's response has been developed by officers from the Environmental Sustainability, Waste Strategy and Street Environment teams. Consultation has also taken place involving the Cabinet Member for Environment.

2.3.2 External Consultation/Engagement

This is an open government consultation and primarily targeted at the waste management sector including local authorities. The Authority has shaped its thinking by engaging with its waste disposal contractors, other local authorities, and representative organisations in developing its overall approach to single use plastics and this particular specific consultation response.

2.4 Human rights

There are no human rights implications directly arising from the content of this report.

2.5 Equalities and diversity

There are no equality and diversity implications directly arising from the content of this report.

2.6 Risk management

There are no risk management implications directly arising from the content of this report.

2.7 Crime and disorder

There are no crime and disorder implications directly arising from the content of this report.

2.8 Environment and sustainability

There are no environment and sustainability implications directly arising from the content of this report.

Introduction of the proposals contained within this consultation will support the Authority's declaration of a Climate Emergency and the commitments included within the 10-year plan for waste approved by Cabinet in November 2019.

PART 3 - SIGN OFF

- Chief Executive X
- Director(s) of Service X
- Mayor/Cabinet Member X
- Chief Finance Officer X
- Monitoring Officer X
- Assistant Chief Executive X