

Response to Consultation
**Retailers: bag for life
minimum price**

November 2020



1.0 Introduction

This reports summarises the responses received to the online consultation that asked specific questions to Jersey retailers to inform future legislation that will ban the supply and distribution of specific types of single use plastic and paper bags and set a minimum price for reusable plastic carrier bags known as bags for life.

2.0 Respondents

A total of 59 respondents completed and returned the online questionnaire.

Several businesses expressed views in direct email correspondence with the Department and this will be considered in the policy development but only the responses submitted through the consultation questionnaire are shown below.




The consultation was shared with the Jersey Chamber of Commerce, Jersey Business and Jersey Hospitality Association, was promoted via the local media and social media and was available on gov.je from 20th August to 18th September 2020.

Is your business classed as retail?			Response Percent	Response Total
1	Yes		76.60%	36
2	No		23.40%	11



(Question answered: 47 / Question skipped: 12)

How many retail outlets do you have in Jersey?			Response Percent	Response Total
1	I am online only, but provide plastic bags for customers		25.53%	12
2	1		51.06%	24
3	1 to 3		10.64%	5
4	4 or 5		4.26%	2
5	More than 5		4.26%	2
6	Other (please specify):		4.26%	2

(Question answered: 47 / Question skipped: 12)

Are you an Eco Active Business?				
			Response Percent	Response Total
1	Yes		29.79%	14
2	No		46.81%	22
3	Don't know		23.40%	11

(Question answered: 47 / Question skipped: 12)

Do you provide customers with plastic or paper bags?				
			Response Percent	Response Total
1	Yes		91.49%	43
2	No		8.51%	4

(Question answered: 47 / Question skipped: 12)

The number of retailers that engaged with the consultation was not high but the percentage of responses received from retailers with a single retail outlet was positive (51.06%) as changes can have a more significant impact to smaller businesses and it is therefore essential that the views from this sector are received.

The proportion of responses received from retailers that provide customers with plastic or paper carrier bags was also extremely positive (91.49%) as the future legislation will affect these businesses.

3.0 Types of bags currently provided

This section aimed to understand the bags that the respondents were using in their businesses. The number of bags used per year was collected to provide an indication of the scale of the businesses responding to the questionnaire.

What types of bag do you currently provide?				
			Response Percent	Response Total
1	Very lightweight plastic carrier bags – sometimes referred to as 'barrier bags' as they are very thin plastic bags used to contain and protect perishables such as fruit, vegetables and meat products		22.22%	8
2	Lightweight carrier bags (single use plastic bags with handles)		41.67%	15
3	Plastic carrier bags – known as 'bags for life'		30.56%	11
4	Thin paper bags, mostly without handles and sometimes referred to as 'counter bags' used to contain items such as bakery goods and pharmaceuticals		30.56%	11
5	Paper bags used as an alternative to plastic carrier bags (bags for life) or lightweight plastic carrier bags (single use plastic carrier bags)		36.11%	13
6	Other (please specify):		25.00%	9

(Question answered: 36 / Question skipped: 23)








There was a balanced set of responses to this question with the majority of respondents (41.67%) currently using the lightweight plastic carrier bag that will be banned under the future legislation.



(Question answered: 30 (3 incomplete) / Question skipped: 29)

Responses to this question ranged from 400 to 850,000. A balanced set of replies was again received with a larger provision of retailers using between 1,000 and 5,000 bags per annum.

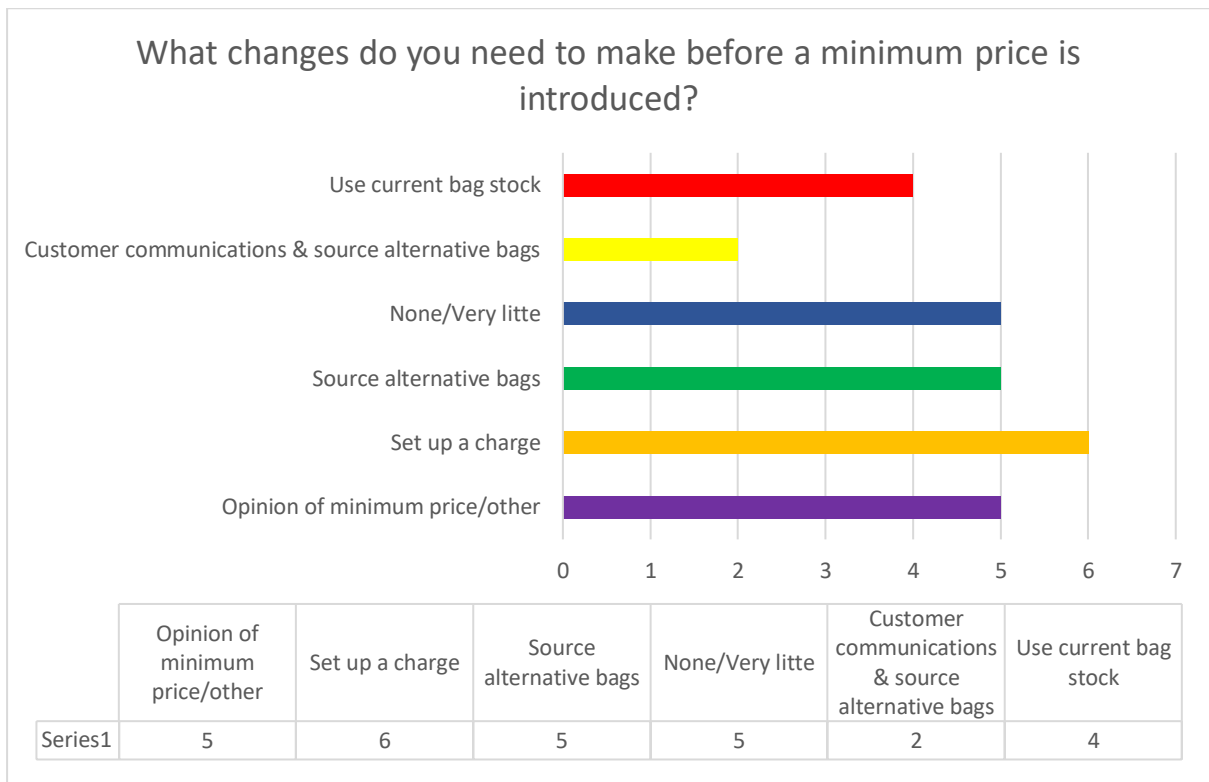
4.0 Minimum price

What should the minimum charge for a bag for life be?			Response Percent	Response Total
1	Don't know		13.89%	5
2	Don't mind as cost is passed on to the customer		2.78%	1
3	20p		19.44%	7
4	50p		11.11%	4
5	70p		2.78%	1
6	£1		27.78%	10
7	Other (please specify):		22.22%	8

(Question answered: 32 / Question skipped: 27)

This question was asked to directly inform the future legislation. As 45.76% of the total respondents failed to submit a response to this question and as the responses ranged across the options, a weighted average approach was taken to the data analysis. This included the 'other' responses where a numeric value was provided as supplementary information. Of the eight 'other' responses, four provided numeric values (15p, 50p, £1.30 and £5).

The weighted average calculation was 72.22p. As this value is closest to the response option of 70p, 70p is the recommendation made from the consultation as the minimum price to be set for a bag for life.



(Question answered: 25 (2 incomplete)/ Question skipped: 34)

The above question was asked to help understand the work that retailers will have to undertake before the change is implemented. This information will be combined with the results collected under ‘Implementation period’ and ‘other information’ to help inform the engagement plan that will provide resources to support retailers in preparing for the new bag for life charge.

To help understand how retailers will direct revenue received from bag for life sales, the following question was asked:

Will you or would you intend to give any money raised from the sale of bags for life to charity?			
1	Yes		Response Percent: 33.33%, Response Total: 12
2	No		Response Percent: 27.78%, Response Total: 10
3	Don't know		Response Percent: 30.56%, Response Total: 11
4	Prefer not to say		Response Percent: 8.33%, Response Total: 3






(Question answered: 36 / Question skipped: 23)

A very balanced set of responses was received across the Yes, No and Don't know options. This question was asked to give an indication of opinion across the retail sector. This is not an area of current policy development and the mixed approach by retailers will provide the

consumer with choice as it is expected that retailers that do pass on bag for life profits to charity will promote this to influence shopping behaviour.

5.0 Future charging

This question was asked to help explore the option of introducing a minimum charge for a bag for life that increased over time to help further reduce use.

Should the annual increase be based on...			Response Percent	Response Total
1	Cost of living / RPI		13.89%	5
2	Usage		27.78%	10
3	Percentage – please state figure		5.56%	2
4	Don't know		27.78%	10
5	Other (please specify):		25.00%	9

(Question answered: 36 / Question skipped: 23)

From the 'other' responses, four provided a preference for a single price to be set rather than annual increases.

The responses were mixed across the options, with as many respondents choosing the 'Don't know' response as the 'Usage' response. The difference between the 'Cost of living/RPI' and 'Usage' response is interesting as twice the number of 'Usage' responses were received. This compliments a 'user pays' approach whereby the level of behaviour change (reduction in bag usage) is a factor influencing any price increase.

6.0 Implementation period

A six month implementation period was approved by the States Assembly but questions regarding this were included to ensure that this period is realistic and acceptable to the retail sector.

Is a six-month implementation period adequate?			Response Percent	Response Total
1	Yes		50.00%	18
2	No it's too long		8.33%	3
3	No it's too short		38.89%	14
4	Don't know		2.78%	1

(Question answered: 36 / Question skipped: 23)

Respondents were also invited to provide additional answers to help explain their response. 7 of the 13 comments provided referenced the level of stock of bags held by retailers and this ranged from 10 months to 2 years although holding a year's worth of bags was the most common. One respondent commented that the 'warning period is already running' and another commented that the timing of the implementation was important, for example the response 'don't change anything in the Summer season'.

How much notice would you need?			Response Percent	Response Total
1	Less than 3 months		32.35%	11
2	More than 3 months but less than 6 months		11.76%	4
3	More than 6 months but less than 9 months		11.76%	4
4	9 to 12 months		23.53%	8
5	More than 12 months		20.59%	7

(Question answered: 34 / Question skipped: 25)

There is some misalignment between the answers to the two previous questions, for example three respondents confirmed that a six month implementation period was too long but 11 respondents selected the 'less than 3 months' required notice period response and 14 respondents confirmed a 6 month implementation period was too short but 19 respondents selected the responses that provided a timescale longer than 6 months.

In total, 44% of respondents selected notice periods less than 6 months and 56% of respondents selected notice periods more than 6 months.

This, along with the comments made by respondents, will be considered in the policy development but due to the findings being fairly evenly split, no single recommendation has been made from this result.

Further information regarding the changes that retailers need to make to ensure only the bags not included in the ban are provided was invited in the next question.

In general, responses repeated the information already provided regarding using existing stock of bags and sourcing new bags. A number of retailers emphasised the need for a clear specification of the bags that will be banned and one retailer commented about finding a 'local supplier to assist with the recycling of new bags.' Two respondents made specific comments about having to move away from paper bags and use plastic bags which conflicting with their business ethos.

It would be extremely useful if we could monitor the number of bags for life being sold by all retailers so we can see the impact of the ban and the minimum price. Would you be able to provide the Government of Jersey with the number of bags for life you have sold to customers?				
			Response Percent	Response Total
1	Yes		31.43%	11
2	No, as I will not record this information		42.86%	15
3	No, I do not wish to share this information		5.71%	2
4	No, other (please specify):		20.00%	7

(Question answered: 35 / Question skipped: 24)

The above question was asked to help inform the development of monitoring tools so that the success of the future legislation can be measured.

The question yielded a mixed result with a bias toward businesses not being able to provide the Government of Jersey with the number of bags for life sold to customers.







This information will inform the development of monitoring tools but is not required to develop the legislation.

Respondents were asked if there was any other information that should be collected to monitor the success of the new legislation. Only 8 respondents provided an answer and only half of these responses related directly to the question. The suggestions were feedback from customers (2), number of bags returned to retailers for recycling and the environmental impact of the bag charge.

7.0 Enforcement

An explanation of how the Love Jersey app could be used to report instances of non-compliance with the future legislation was provided and respondents were asked if they had other suggestions for how breaches should be reported.

10 respondents completed this question: two suggested random checks and two suggested that reports should also be made via additional channels such as the gov.je website and an email address. Three respondents commented on the risk of members of the public reporting as individuals may make incorrect reports and the remaining three provided an opinion on the general approach.

It is important that a penalty can be enforced if a retailer does not comply with the legislation. It is proposed that this penalty is financial. To calculate the value of the penalty, which of the following should be considered please tick all that apply:				
			Response Percent	Response Total
1	Number of offences by the retailer		52.94%	18
2	Size of business		58.82%	20
3	The cost of officer time investigating and administrating the offence		20.59%	7
4	Eco Active Business membership status		5.88%	2
5	Other, please provide a brief explanation		2.94%	1
6	Other (please specify):		26.47%	9


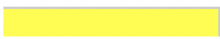

(Question answered: 34 / Question skipped: 25)

The above questions were asked to help inform the way in which serious breaches are managed. Serious breaches would be those made after repeated engagement and support had been provided to assist the retailer make changes in order to comply with the future legislation.

Seven of the nine respondents that selected the 'Other' response provided comments regarding the use of a penalty and the negative impact of this to businesses. This will be taken into account as it is not the intention for penalties to be enforced without prior engagement and support being provided.

The responses show a clear preference for the number of offences and the size of the business to be taken into account before issuing a penalty. These results will inform the relevant policy work.

Which of the following should benefit from the financial penalty, please tick only one answer:

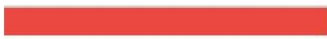





			Response Percent	Response Total
1	Jersey climate emergency fund		12.50%	4
2	Jersey environmental charities		53.13%	17
3	Jersey charities (not just environmental)		34.38%	11

(Question answered: 2 / Question skipped: 27)

This question was asked to gauge the opinion of the retail sector and to understand if there was a strong preference for how revenue raised from any penalty should be directed.

8.0 Communications




Which of the following communication tools would you find useful for your business, please tick all that apply

			Response Percent	Response Total
1	Posters available for you to download and print		68.75%	22
2	Online fact sheet explaining the changes and what action you need to take		68.75%	22
3	Short information videos		21.88%	7
4	Online presentations		21.88%	7
5	Virtual (online) drop in sessions so you can ask questions directly		25.00%	8
6	Other (please provide details):		15.63%	5

(Question answered: 32 / Question skipped 27)

This information will be used to inform the engagement plan so that the resources that will be of the most use can be provided to retailers.

If you do not provide customers with any type of plastic bag (including those exempt from the ban), your business could be awarded 'Plastic Bag Free' status. Would you be interested in becoming a plastic bag free business?

			Response Percent	Response Total
1	Yes		35.29%	12
2	No		35.29%	12
3	Don't know		29.41%	10

This question was asked to understand the appetite for a ‘Plastic Bag Free’ award/accreditation in the future. A balanced set of responses was received and so this remains an option that could be considered in the future.

9.0 The Future

The current legislation is aiming to reduce the use of single use bags and encourage the reuse of bags for life and alternatives. Other jurisdictions have already extended plastic bag bans to include other avoidable single use items. The questions in this section aimed to understand if this would be welcomed by the retail sector in the future.

Would you like to see Jersey’s single use bag ban extended in the future to help reduce the use of other single use items?				
			Response Percent	Response Total
1	Yes		73.53%	25
2	No		14.71%	5
3	Don't know		11.76%	4

(Question answered: 34 / Question skipped: 25)

What single use items could be included in a future ban?				
			Response Percent	Response Total
1	Single use beverage cups and lids (for hot and cold drinks)		83.87%	26
2	Single use ‘takeaway’ food containers (i.e. burger boxes)		74.19%	23
3	Single use straws and stirrers		70.97%	22
4	Single use cutlery		67.74%	21
5	Other, please provide more information		16.13%	5

(Question answered: 31 / Question skipped: 28)

The responses showed support for a future ban of other single use items (73.53%) and a balanced set of responses was received in regard to the items that could be included.

10.0 Other comments

Respondents were invited at the end of the questionnaire to include any comments about the new legislation that the questions had not provided an opportunity to share.

Eight comments were received. Two expressed concern at having to provide plastic bags which conflicting with their business ethos; one criticised the recommendation for retailers

to receive unwanted bags for life back from customers for recycling, three provided opinion on the consultation and future legislation, one expressed concern in regard to the timing of the changes and one commented on the need for a specific retail sector to be exempt.

11.0 Conclusion

The consultation was a useful exercise in gathering information from the retail sector. The States Assembly required the consultation to deliver a minimum price for bags for life and this has been achieved. Additional information regarding the impact and requirements of the future legislation has also been gathered and this will also be supplemented by direct communications from specific businesses during the consultation period. All of the information received will be considered to inform the future policy and its implementation.