

The Environmental Protection (Plastic Plates etc. and Polystyrene Containers etc.) (England) Regulations 2023



From 1 October 2023, The Environmental Protection (Plastic Plates etc. and Polystyrene Containers etc.) (England) Regulations 2023 comes into force.

It means that businesses must no longer supply, sell or offer certain single-use plastic items in England. The legislation includes all single use plastic cutlery, trays, plates, bowls, and balloon sticks, as well as certain types of polystyrene cups and food containers.

From 1 October 2023, people will no longer be able to buy these products from any business – this includes retailers, takeaways, food vendors and the hospitality industry. The ban will apply to online and over-the-counter sales and supply.

The ban includes the supply of items by businesses from new and existing stock and will cover all types of single-use plastic – including biodegradable, compostable, recycled. It also includes items wholly or partly made from plastic, including coating or lining.

You can read more about this change and exemptions to it in guidance published by The Department for Environment, Food & Rural Affairs (DEFRA) here: [Single-use plastics ban: plates, bowls, trays, containers, cutlery and balloon sticks - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/single-use-plastics-ban-plates-bowls-trays-containers-cutlery-and-balloon-sticks)

What your business must do:

- From 1 October 2023, discontinue using single-use plastic items covered by the legislation and replace with re-usable alternatives. Examples include reusable plates, bowls and cutlery, or sourcing alternative single-use items such as wood-based cutlery and paper-based plates.
- Swap plastic for bamboo or wooden cutlery for takeaway food.
- Swap plastic for metal cutlery for in-house guests.
- Swap sauce sachets for large, self-serve reusable pots.
- Offer to refill customers' water bottles.
- Encourage customers to bring their own clean containers for takeaway food.

If you continue to supply banned single-use plastics after 1 October, you could be fined.

There are some exemptions to the ban, depending on the item (see overleaf).

Plates, bowls and trays: From 1 October you must not supply single-use plastic plates, trays and bowls to members of the public.

Exemptions: You can still supply single-use plastic plates, bowls and trays if either of the following apply:

- you are supplying them to another business
- the items are packaging (pre-filled or filled at the point of sale)

Examples of this type of packaging include:

- a pre-filled salad bowl or ready meal packaged in a tray
- a plate filled at the counter of a takeaway
- a tray used to deliver food

Cutlery and balloon sticks: From 1 October you must not supply single-use plastic cutlery or balloon sticks.

There are no exemptions to this ban.

Polystyrene food and drink containers: From 1 October you must not supply ready-to-consume food and drink in polystyrene containers. This includes in polystyrene cups.

Polystyrene means expanded and extruded polystyrene.

Exemptions: You can still supply food or drink in polystyrene containers if it needs further preparation before it is consumed. For example, further preparation could mean:

- adding water
- microwaving
- toasting

Inspections: Local authorities will carry out inspections to make sure the rules are being followed. Inspectors can visit a shop or store, make test purchases, speak to staff and ask to see records.

If you break the law, inspectors can order your business to cover the cost of the investigation.

Appealing a fine

You can appeal within 28 days of getting a fine if you think something is wrong. A letter with the fine will tell you what to do. If you can show that you did everything you reasonably could to avoid breaking any rules, this would be an acceptable defence.

For further information contact Hartlepool Borough Council's Public Protection team by emailing public.protection@hartlepool.gov.uk

Suppliers of sustainable products for business use

There are various UK firms that supply sustainable products for the food industry at competitive prices. Here is a list of businesses that offer takeaway trays and boxes, bowls, plates, cutlery, and many other accessories.

The companies are not endorsed by Hartlepool Council but they could help you to shop around.

Bidfood

Biopak

Single Use Alternatives

naturepac

Greenman Packaging

Takeaway Packaging

vegware

enviropack

tri-pack

Element Packaging

Streetfood Packaging

Eco to Go Food Packs