

Waste & Resource Efficiency Division
Department for Natural Resources
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Tuesday, 03 February 2015

Dear Sir or Madam

RE: Response to the Consultation on the draft Control of Waste (Dealing with Seized Property) (England and Wales) Regulations 2015

We have received a copy of the above draft for comment as part of your consultation process.

The Chartered Institution of Wastes Management (CIWM) is the professional body which represents over 6,300 waste and resources management professionals, predominantly in the UK but also overseas. The CIWM sets the professional standards for individuals working in the waste and resources management industry and has various grades of membership determined by education, qualification and experience.

CIWM is recognised as the foremost professional body representing the complete spectrum of the waste and resources management industry. This gives the Institution the widest possible view and, perhaps more pertinently, an objective rather than partial view, given that our goal is for improvement in the management of all wastes and resources.

The Cymru Wales Centre Council of the Chartered Institution of Wastes Management welcomes the opportunity of contributing to the Consultation on the draft Control of Waste (Dealing with Seized Property) (England and Wales) Regulations 2015.

In relation to the current Consultation document, we wish to raise a number of general points of concern that should be given further consideration prior to finalisation.

In general there is wide support for the principle of broadening the range of waste offences for which a vehicle can be seized by enforcement authorities to include not only the operation of an illegal waste site but also breaches of the waste duty of care, carrying controlled waste without being registered and breaches of environmental permits.

There is some disquiet in relation to the general principle of removing the need for a warrant before seizure to reduce the time, cost and complexity of the system (both for HM Courts and Tribunals Service and enforcement authorities). It is perceived by some small legitimate industry operators that there is a danger of degree of inequity in relation to the application of this legislation and that the requirement for a warrant to be obtained introduces checks and balances to the procedure and gives more certainty of fairness.



There is wide support on the principle of reducing costs by allowing an enforcement authority to publish a notice of seizure on its website (or in local newspaper) rather than the current provision for a mandatory newspaper advert.

However the proposal to enable longer periods of retention of property has been met with some disquiet by some smaller waste management operators regarding extending the period during which local authorities could retain a seized vehicle to up to 15 working days to enable them to complete investigations and Natural Resources Wales allowed up to 30 working days in view of the more serious and complex cases with which they deal without a warrant having been obtained. This concern relates to fear that mistakes might be made without a legal review of the evidence through the process of obtaining of a warrant and for smaller legitimate businesses this period could result in them needlessly going out of business.

Should you have any query with regards to our response, please do not hesitate to contact us.

Kind regards

Celine Anouilh
CIWM Regional Development Officer for Wales

