

Peter Jones

Our ref: NR81997

Your ref:

Date: 2 May 2018

Dear Mr. Jones

Enquiry regarding enforcement of the Waste Regulations 2011

Thank you for your enquiry which was received on 4 April 2018.

We respond to requests under the Freedom of Information Act 2000 and Environmental Information Regulations 2004.

You requested:

Information regarding the Environment Agency's efforts to enforce the Waste Regulations 2011 – in particular regulations 12 (the Waste Hierarchy – which came into force in 2011) and 13 (source separation of recycling – which came into force in 2015). Please could you tell me, so far as possible, for each of the two regulations:

How many potential breaches the Agency has investigated? The outcome of those investigations, perhaps broken down as to whether a breach was found, and if so, what action was taken. If the number of such cases warrants it, it would be helpful if this information could be broken down by year.

Our Response:

The Waste Regulations 2011 contain a large number of amendments to existing legislation, including general and specific enforcement powers. We have limited our response Regulation 12 and 13, as specified in your query

There are no offences under Regulations 12 and 13. However, Regulation 42(1)(b) provides powers to serve a compliance notice in relation to a contravention of Regulation 12(1) and Regulation 13(1). Failure to comply with a notice is an offence. We have not served any such notice under Regulation 42(1)(b). Consequently, we have not begun any investigations.

Your Requested:

Please could you also supply details of any specific policies relating to the enforcement of these regulations (other than the statutory guidance on the Waste Hierarchy, and the published draft guidance on "TEEP" which I already have) and any internal correspondence regarding the application of these policies which might inform an understanding of how the Agency applies this legislation, and its interpretation of its enforcement duties under the law.

Our Response:

The Environment Agency's enforcement and sanctions policy is published on www.gov.uk. This explains how we use our powers to secure compliance for all aspects of our regulation. The Offence Response Options, also available on the website, specifically refers to Regulation 42(1)(b).

We have legal advice on regulation 42(1)(b), as we do for the majority of our enforcement powers, which will not disclose. As in all cases, this internal legal advice is subject to legal professional privilege. If legal advice from our solicitors were not protected from release to the public, there would be prejudice to the effective running of the Environment Agency.

Our approach to regulating 100,000+ waste collectors under the Separate Collection involves the collection and analysis of large quantities of data. We use this to prioritise our interventions, based on the size and rate of collections of the specified waste streams. This typically includes large waste management companies, large retail parks and waste collection authorities (WCA). We work with this customers and other to understand barriers to collection and to help improve recycling efficiency.

If you are not satisfied you can contact us within 2 calendar months to ask for our decision to be reviewed. We shall review our response to your request and give you our decision in writing within 40 working days.

If you are still not satisfied following this, you can raise a concern with the Information Commissioner, who is the statutory regulator for Freedom of Information and the Environmental Information Regulations. The contact details are:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 0303 123 1113
Website: <http://ico.org.uk>

Yours sincerely

Jill Rhodes
National Request Team

