

**This form will report compliance with your permit as determined by an Environment Agency officer**

Site	A J Spares			Permit Ref	104608		
Operator/ Permit holder	Cobb Andrew						
Date	12/01/2016			Time in	11:35	Out	11:45
What parts of the permit were assessed	Permitted Site						
Assessment	Site Inspection	EPR Activity:	Installation	Waste Op	X	Water Discharge	
Recipient's name/position	Andrew Cobb						
Officer's name	Josh Tinsley			Date issued	13/01/2016		

Section 1 - Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. A detailed explanation and any action you may need to take are given in the "Detailed Assessment of Compliance" (section 3). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our [Compliance Classification Scheme](#) (CCS). CCS scores can be consolidated or suspended, where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your [local office](#).

Permit Conditions and Compliance Summary			Condition(s) breached
a) Permitted activities	1. Specified by permit	N	
b) Infrastructure	1. Engineering for prevention & control of pollution	N	
	2. Closure & decommissioning	NA	
	3. Site drainage engineering (clean & foul)	N	
	4. Containment of stored materials	N	
	5. Plant and equipment	N	
c) General management	1. Staff competency/ training	C3	1.1.1(b)
	2. Management system & operating procedures	N	
	3. Materials acceptance	N	
	4. Storage handling, labelling, segregation	N	
d) Incident management	1. Site security	N	
	2. Accident, emergency & incident planning	N	
e) Emissions	1. Air	C3	3.1.1
	2. Land & Groundwater	N	
	3. Surface water	N	
	4. Sewer	N	
	5. Waste	NA	
f) Amenity	1. Odour	N	
	2. Noise	N	
	3. Dust/fibres/particulates & litter	N	
	4. Pests, birds & scavengers	N	
	5. Deposits on road	N	
g) Monitoring and records, maintenance and reporting	1. Monitoring of emissions & environment	N	
	2. Records of activity, site diary, journal & events	N	
	3. Maintenance records	N	
	4. Reporting & notification	N	
h) Resource efficiency	1. Efficient use of raw materials	NA	
	2. Energy	NA	

KEY: C1, C2, C3, C4 = CCS breach category (* suspended scores are marked with an asterisk),**A = Assessed (no evidence of non-compliance), N = Not assessed, NA = Not Applicable, O = Ongoing non-compliance – not scored**

Number of breaches recorded	2	Total compliance score (see section 5 for scoring scheme)	8
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If the Total No Breaches is greater than zero, then please see Section 3 for details of our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- the part(s) of the permit that were assessed (e.g. maintenance, training, combustion plant, etc)
- where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- any non-compliances identified
- any non-compliances with directly applicable legislation
- details of any multiple non-compliances
- information on the compliance score accrued inc. details of suspended or consolidated scores.
- details of advice given
- any other areas of concern
- all actions requested
- any examples of good practice.
- a reference to photos taken

This report should be clear, comprehensive, unambiguous and normally completed within 14 days of an assessment.

This was my first visit to the site. I spoke with Andrew Cobb on site. Two Cat 3 contraventions were identified during the visit, the details of which are included below.

1) Fires

Whilst on site I observed a fire that had been started within a skip. Dark smoke was rising from this fire and the flames were approximately 1 meter in height above the skip. The skip was situated in the centre of the yard. I requested that the fire was extinguished but this was not carried out during the inspection. You explained that the fire had been started in order to provide warmth and you had been told this was okay by other Environment Agency officers during past site inspections. I explained that this is not the case and fires are not permitted on site under any circumstances, even to provide warmth. You had also been informed of this previously by your site officer during a phone conversation on the 05/12/2014.

E1 / Cat 3 / Condition 3.1.1 - This condition states that 'emissions of substances not controlled by emission limits (excluding odour) shall not cause pollution. The operator shall not be taken to have breached this rule if appropriate measures, including, but not limited to, those specified in any approved emissions management plan, have been taken to prevent or where that is not practicable, to minimise, those emissions.' The observations made above demonstrate that these permit conditions were being contravened as the fire on site had been deliberately ignited and was causing polluting emissions to air.

C1 / Cat 3 / Condition 1.1.1(b) – This condition states that the operator shall manage and operate the activities using sufficient competent persons and resources. The root cause of the E1 permit contravention has been identified as operator competence, namely a lack of understanding of the permit conditions.

1(a) Action: Please ensure that you do not have any fires on site, and any fires that occur accidentally are extinguished immediately. Please action this **Immediately**.

1(b) Action: Please ensure that you understand and are aware of the requirements outlined in your environmental permit. If you require further guidance on the meaning of permit conditions please contact me using the details below. Please action this **Immediately**.

2) Access to site and Recording Information

Whilst I was on site your behaviour became aggressive and intimidating once I indicated that I had taken a picture of the fire. You refused to accept the Code B notice explaining my powers and your rights, and you instructed me to leave site. You would only allow me to leave site if I deleted any pictures of the fire from my camera. Other actions that were interpreted as aggressive included shouting loudly, using threatening hand gestures, and slamming the gate with force as I vacated the site. You also expressed your opinion that I should only have entered the site with prior approval and seemed unaware of my powers to take photographs without your permission.

Please be aware that under Section 108 of the Environment Act 1995 as an authorised officer I have the following powers relating to entry and the recording of information:

In ascertaining whether any pollution control provision is being or has been complied with, I may:

- Enter premises with other officers and equipment if need be by force
- Make necessary examinations and investigations, and direct that premises or property remain undisturbed for that purpose
- Take measurements, photographs, recordings and samples
- Require the giving or production of information relevant to any examination or investigation
- Require another to give such facilities or assistance as are within that persons control or responsibility

These powers are outlined in the Notice of Powers and Rights – Police and Criminal Evidence Act 1984 - Code B, which I attempted to issue you with during the inspection and which accompanies this report.


If you would like more information or explanation regarding the powers used by authorised officers to carry out inspections and record information then please feel free to contact me using the details below to organise a meeting at our office.

As it is not our policy to pre-arrange regulatory site visits future inspections may require entry to site whilst you are not present. It is also very likely that the officers conducting these inspections will record information by writing notes and taking photographs.

Please be aware that it is an offence under Section 110 of the Environment Act 1995 for a person to intentionally obstruct an authorised person in the exercise or performance of his powers or duties.

If you have any queries regarding the contents of this report please contact me using these details:

Josh Tinsley
Environment Officer
Sheffield and North East Derbyshire Team
Tel: 02030253953
Email: josh.tinsley@environment-agency.gov.uk

 Environment Agency	EPR Compliance Assessment Report	Report ID: 104608/0255615	
This form will report compliance with your permit as determined by an Environment Agency officer			
Site	A J Spares	Permit	104608
Operator/ Permit	Cobb Andrew	Date	12/01/2016

Section 3- Enforcement Response		Only one of the boxes below should be ticked	
You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.			
Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.			X
In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.			
We will now consider what enforcement action is appropriate and notify you, referencing this form.			

Section 4- Action(s)			
Where non-compliance has been detected and an enforcement response has been selected above, this section summarises the steps you need to take to return to compliance and also provides timescales for this to be done.			
Criteria Ref.	CCS Category	Action Required / Advised	Due Date
See Section 1 above			
C1	C3	Please ensure that you understand and are aware of the requirements outlined in your environmental permit.	Immediately
E1	C3	Ensure that you do not have any fires on site and any fires that occur accidentally are extinguished immediately.	Immediately

Section 5 - Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- advise on corrective actions verbally or in writing
- require you to take specific actions in writing
- issue a notice
- require you to review your procedures or management system
- change some of the conditions of your permit
- decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you.

● We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.

● Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and or suspension or revocation of the permit.

● A civil sanction Enforcement Undertaking (EU) offer may also be available to you as an alternative enforcement response for this/these offence(s).

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- ensure you comply with other legislative provisions which may apply.

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance which could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General Information

Data protection notice

The information on this form will be processed by the Environment Agency to fulfill its regulatory and monitoring functions and to maintain the relevant public register(s). The Environment Agency may also use and/or disclose it in connection with:

- offering/providing you with its literature/services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. Health and Safety Executive, local authorities) on environmental issues
- carrying out statistical analysis, research and development on environmental issues
- providing public register information to enquirers
- investigating possible breaches of environmental law and taking any resulting action
- preventing breaches of environmental law
- assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Information Regulations request.

The Environment Agency may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The Environment Agency will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within 28 days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with the officer's line managers. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 03708 506 506 (Mon to Fri 08.00–18.00) and ask for the Customer Contact team or send an email to enquiries@environment-agency.gov.uk. If you are still dissatisfied, you can make a complaint to the Ombudsman. For advice on how to complain to the [Parliamentary and Health Service Ombudsman](#) phone their helpline on 0345 015 4033.