



**NFCC**  
National Fire  
Chiefs Council

The professional voice of the  
UK Fire & Rescue Service

Chief Fire Officers Association  
9-11 Pebble Close  
Amington  
Tamworth  
Staffordshire  
B77 4RD

Telephone +44 (0)1827 302300  
Fax +44 (0)1827 302399

Via email: [Wastecrime.Consultation@defra.gsi.gov.uk](mailto:Wastecrime.Consultation@defra.gsi.gov.uk)

Waste Regulation and Crime Team  
Defra  
Area 2B, Nobel House  
17 Smith Square  
London  
SW1P 3JR

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### **Consultation: Proposals to tackle crime and poor performance in the waste sector and introduce a new fixed penalty for the waste duty of care**

Thank you for the opportunity to respond to the consultation on the above proposals to:

- Part A - Raise the standard of operator competence across all permitted waste sites by strengthening the regulator assessment and enforcement abilities.
- Part B - Reform the exemption element within the waste permitting regime.
- Part C - Introducing a Fixed Penalty Notice for household Duty of care offences for fly-tipping.

### **This response is on behalf of the National Fire Chiefs Council (NFCC).**

The National Fire Chiefs Council (NFCC) is the professional voice of the UK fire and rescue service and leads national work, including Fire Reform and leadership on national policy and operational matters through a structure of Coordination Committees.

NFCC drives improvement and development throughout the UK Fire and Rescue Services, while supporting strong leadership – including for the devolved administrations.

NFCC supports the Government view that there are benefits to the environment, communities, regulators and business through better control of waste sites. These will improve site management arrangements, reduce the risks of fire starting in the first place, and the likelihood of fires developing into large scale protracted incidents that impact on the community and the environment.

### **Consultation Response**

The NFCC fully recognises the need for greater enforcement powers for Regulators and therefore **agree with all the proposals** in the consultation document that will:

Part A:

1. Enhance the powers of Regulators to widen the definition of relevant offences and take these and poor behaviour into account when considering operators suitability for waste licencing,
2. Clarify and extend the legal requirement for management systems to be in place on waste sites
3. Clarify and extend the legal requirement for technical competence of operators

4. Extend the requirement for financial competence and financial provision by operators that accurately reflect their permit obligations.

Part B:

5. Prohibit the use of waste exemptions in specified circumstances and at permitted sites,
6. Limit the number of exemptions and make it compulsory for operators to keep and make records available for all waste exemptions.

Part C:

7. Improve householder awareness of their duty of care to protect against waste being fly-tipped, and the introduction of Fixed Penalty Notices.

### **Benefits to the Fire & Rescue Service**

It is important to note that the Fire & Rescue Service is not only an emergency responder to waste sites when fires occur but is also a 'Regulator' by virtue of the Regulatory Reform (Fire Safety) Order and significant resources are applied to both roles.

Over the last five years the fire and rescue service has attended on average approximately 300 significant fires at regulated and non-regulated sites each year; amongst which there have been a number of very high profile and protracted waste site fire incidents recorded.

Aside from our primary concerns for public health, firefighter safety and the very considerable community and environmental impacts, responding to fires of this magnitude places a huge strain on the resources of not just the Fire and Rescue Service but also on partner agencies such as the Police, Environment Agency, Local Authorities, Health & Safety Executive and Public Health organisations.

It is considered that the proposed enhancement of the legislation and regulatory powers in this current consultation will enable a more timely and wider range of enforcement powers by the Environment Agency. These enhancements will also raise and maintain the standards of fire prevention and protection on waste sites, reduce the risks of fire and pollution, and potentially reduce the impact on our front line firefighting resources.

I hope you find these views useful in your consultation and if I can be of further assistance, please let me know.

Yours sincerely

Mark Andrews

**National Fire Chiefs Council**

T 01323 462064: M 07827896135