

Environment & Heritage Service

Policy on Relevant Convictions

Land and Resource Management Unit

Policy on Relevant Convictions

Policy Statement:

Where a person applying for or holding a waste authorisation(s)* has been convicted of a relevant offence, the Department of the Environment will consider the offence and the likelihood of re-offending. Where the Department is not satisfied that that person is a suitable person to hold the authorisation in question, it will normally revoke the authorisation(s) or refuse to issue any future authorisation(s). The Department will be firm, but fair in its decision making.

Factors considered in determining whether someone is a suitable person in this respect:

- the activities authorised (or to be authorised),
- the nature and gravity of the offence, particularly proven acts of recklessness, dishonesty and deception of the Department,
- actions undertaken by the person, including remedial measures and subsequent compliance, and
- representations made by that person, including mitigating factors.

Notes on applying the policy

1. * waste authorisation means a waste management licence (and a disposal licence or resolution which has fallen to be treated as a waste management licence), PPC permit in respect of a specified waste management activity (including landfill permit), and a registration as a carrier or broker of waste. An 'authorised person' should be construed accordingly.

2. This policy applies from 1st January 2008 and will be applied in relation to any conviction after this date, of an authorised person and to any application for an authorisation after this date.

3. The Department will make its decisions in the best interests of the environment and public health. This may include consideration of the potential impacts on the environment, the public and public services.

4. In the interests of fairness a body corporate and other legal persons will be treated as consistently as possible (i.e. consideration will be given to whether a conviction against a company would be treated as spent were that conviction against an individual).

5. 'Relevant conviction' means a conviction of a relevant offence. Relevant offences are set out in Annex 1 of the Guidance on the Assessment of Relevant Convictions. This Guidance is available from the address below or on the Environment and Heritage Service website at www.ehsni.gov.uk.

6. The term 'relevant person' has the meaning provided in the relevant legislation and relevant convictions against those persons will be considered.

Objectives:

The application of the relevant convictions test poses a deterrent against environmental crime by holders of waste authorisations and those who aspire to be holders. This should secure real environmental benefit. The application of the test secures measures by operators who have been convicted, so that further offences are prevented.

Offending, and particularly re-offending, is regarded as a serious issue, to be tackled at the highest levels by the operator.

The Department's decision making is transparent, consistent and fair, but also firm and efficient. The Department's decisions are in the best interests of the environment and public health.



Our aim is to protect, conserve and promote the natural and built environment for the benefit of present and future generations.

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EHS Incident Hotline - **0800 80 70 60**

Printed on 75% post consumer waste

ISBN No.

