

Guidance on how to complete a post-conviction plan

Introduction

You should provide the following information in the following sections of your post-conviction plan.

1.0 List of offences

Provide a list of the offences covered. For each offence, describe:

- when and where they were committed;
 - the person convicted;
 - the business relationship between the person convicted and the authorisation holder or applicant;
 - the penalties imposed (such as fines, costs and compensation orders).
-

2.0 Authorisations to which the PCP relates

List all the authorisations that were relevant to the commission of the offence, if appropriate by type, such as registration of waste broker/carrier/dealer and/or EPR permit and so on.

(If the conviction does not directly relate to an authorisation – leave this section blank but do complete details of any relevant authorisation(s) you hold and/or are applying for in Section 8 below).

3. List all persons and relevant persons involved in the convictions

List all the persons and relevant persons who were convicted of the offence(s).

Note: Each legal entity will be required to submit their own PCP unless they declare that they are relying on this submission.

4. Circumstances of the offence, and how and why it occurred

Summarise:

- the causes of the offences;
- how you investigated the causes,
- the consequences;
- accountability and any mitigation you would like considered;
- the potential for the offences to happen again.

Provide this summary for:

- the offending location or site;
 - any other relevant authorisation.
-

5. Effect of the offences on people and/or the environment

Describe how the offences impacted on the environment and people, including impact on legitimate business, with an assessment of whether you consider that the impact was high, medium or low, giving reasons why you consider the impact to be high, medium or low.

6. Ensuring compliance in the future

To ensure compliance in the future, list the following in the post-conviction plan:

- the potential for the offences to happen again (before any remedial measures);
- the remedial measures that you took to prevent offences happening and the potential for offences happening again;

Examples could include:

- management changes;
 - staff changes;
 - changes in relationship with third parties;
 - provision for retraining.
- when and how you implemented the remedial measures;
 - details of your on-going audit of the remedial measures, and how you aim to ensure the measures are effective;
 - your changes to documentation and procedures that help implement the compliance plan;

Examples could include:

- quality assurance procedures;
 - company standing instructions;
 - training manuals.
- the responsibilities that you have given to the directors, senior management and all other employees to prevent offences happening again.
-

7. Potential for repetition

Provide details of whether you think there is a high, medium or low potential for this sort of offending to recur as a result of the steps you will be taking, giving reasons why you consider the impact to be high, medium or low.

8. Describing your authorisations

Include details of all relevant authorisations that are either:

- issued to you;
- being applied for by you;
- issued to a person for whom you are a relevant person or ;
- being applied for by a person for whom you are a relevant person.

For each authorisation or application, list its unique number.

Terms used: Relevant authorisations

Relevant authorisations include all:

- EPR permits for waste activities or Schedule 1 EPR activities (includes former waste management licences and PPC permits for specified waste management activities);
 - registrations of waste brokers/carriers/dealers.
-

**Terms used;
Relevant persons**

Relevant people are any of the following:

- any officer of the company at which you work. Officers include but are not limited to:
 - director;
 - manager;
 - secretary.
- employees of the company at which you work.

Note: An employee's conviction is only relevant to you when they were convicted in the course of their employment by your company.

Post-conviction plan

| | |
|---|---|
| Name of convicted person or business | OAKDALE RECYCLING LIMITED |
| Address of convicted person or business | UNIT 15, PRINCE OF WALES IND.EST.,ABERCARN, GWENT, NP11 5AR |
| Date | 14/01/2015 |
| Date of birth of person or company registration number | 07605889 |
| Plan completed by (signature) | P. REES |
| On behalf of (signature) | OAKDALE RECYCLING LIMITED (P. REES) |

1.0 List of offences covered by this post-conviction plan

| Offence | When and where | Identity of convicted party* | Sentence | Details of any company to which convicted party is a relevant person† |
|---------------------------|---|-------------------------------------|---|--|
| EPR (E&W)2010 REG. 38 (1) | 14/08/14 @ UNIT 15, PRINCE OF WALES IND. EST., ABERCARN | OAKDALE RECYCLING LTD | £5000 fine £3056.72 costs £120 victim surcharge | OAKDALE RECYCLING LTD |
| EPA 1990 SEC. 33 | 14/08/14 @ UNIT 15, PRINCE OF WALES IND. EST., ABERCARN | OAKDALE RECYCLING LTD | See above For both offences | OAKDALE RECYCLING LTD |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

* person or business.

† such as a director, manager, secretary or other similar office. See the definition of a 'relevant person' in the notes that accompany this form.

2.0 Authorisations to which this post-conviction plan relates (if appropriate)

| Authorisation number | Type of authorisation |
|----------------------|-----------------------|
| | |
| | |
| | |
| | |
| | |
| | |

3.0 List of all persons and relevant persons to which the conviction(s) relates

Relevant persons include directors, managers, secretaries or other similar office. See the definition of a 'relevant person' in the notes that accompany this form.

| Persons convicted | People or companies for who they are relevant persons (list) | Date of birth or Company number |
|-------------------|--|---------------------------------|
| DAMIAN GILL | OAKDALE RECYCLING LTD | 07605889 |
| ROSS HEWLETT | OAKDALE RECYCLING LTD | 07605889 |
| | | |
| | | |
| | | |
| | | |

4.0 Circumstances of the offence and how and why it occurred

Please provide details of the events which led to the offence. Include accountability and any mitigating circumstances that you feel are relevant. Continue on a separate sheet if necessary.

Oakdale Recycling were convicted at Cwmbran Magistrates' Court of an Environmental Permitting Regulation 38(1)(a) offence – operating a regulated facility without an environmental permit, and an Environmental Protection Act section 33 offence – depositing waste without an environmental permit.

5.0 Effect of the offences on the environment and/or people

No environmental effect/impact or harm to human health was caused due to the waste deposit which was contained within the site which also held approvals by the following exemptions:

- S1 – Storage of waste in secure containers,
- S2 - Storage of waste in a secure area
- T9 – Recovery of scrap metal

Thus in terms of the guidance it is believed that any impact was low due to the appropriate handling of the waste from receipt, temporary storage and any processing.

6.0 Ensuring compliance in the future

Please describe the measures you have taken to prevent the offence happening again. Include your plans for audit and review.

There is no potential for the offences to happen again as the Company have/had become more aware of the conditions of the existing permissions/approvals in operation at that time.

They had requested and have attended a meeting with officers of the NRW to discuss the way forward and be seen to be in compliance with then necessary permissions to maintain their business interests.

The Company has since applied for a Standard Rules EP as indicated by the NRW officers involved at the EP record of pre-application discussion.

On issue of the appropriate EP then the site EMS will be prepared and a copy submitted to NRW in line with the EP.

The site will then be subject to regular inspections of the site operations to be performed by suitably qualified COTC/TCM.

7.0 Potential for repetition

Do you think it is likely that the offences will happen again? Tick one box.

- High** (likely to happen again)
- Medium**
- Low** (unlikely to happen again)

Give reasons and explain why in the box below:

As per the guidance there is a low potential for this sort of offending to recur due to the reasons outlined above and in addition there will be a new EP within the Company's name with clearer appreciation of waste types and activities. As indicated earlier it is believed that the incident had a low impact on the environment/harm to human health. There is now a greater awareness/understanding of conditions and waste types therein via training etc. with improved site inspection and record keeping. Waste types and EWC codes are displayed at the site.

8.0 Details of all authorisations

List the authorisations that the convicted person holds, is applying for or for which they are a relevant person. List all:

- EPR permits for waste activities or Schedule 1 EPR activities (includes former waste management licences and PPC permits for specified waste management activities);
- registration of waste brokers/carriers/dealers.

| Type of authorisation(s) held and/or being applied for (state if it is an application) | Authorisation's unique number | Are you the holder of the authorisation or a relevant person? Enter 'holder' or 'relevant person' |
|---|-------------------------------|--|
| Registration as waste carrier | CB/NE5207TF | Holder |
| Waste exemptions | EPR/SH0016ZA | Holder |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

Please use the space below to provide and further information that you want us to be aware of:

The Company & it's Directors fully cooperated with the investigation process and offered some mitigation of the events leading to the investigation process and due process thereafter.

The Company were pro-active in inviting officers of the NRW to participate in the EP – pre-application process and subsequent compliance.