

Press release: 'Reckless' skip company boss ordered to pay almost £25,000

Owner/operator Robert Walker of Bob's Skips in Basildon, Essex, failed to check the legitimacy of a haulier who claimed to be working for a genuine haulage company. The driver did not work for the company and was using fake waste transfer notices. The waste was later found fly-tipped at 4 different locations in Essex.

Chelmsford Magistrates' Court heard today that the rogue trader had made a cold call to Walker's company looking for something to fill his lorry for a return journey.

Mrs Sarah Dunne, prosecuting for the Environment Agency, told magistrates that Walker, 54, of Whitmore Way, Basildon, arranged 4 of these deliveries.

She told the court that Walker had asked for waste transfer notices but made no further enquiries about the legitimacy of the company and failed to notice the forms were not filled in properly.

He also had no idea where the waste was being taken nor did he check that it had arrived at its destination – all part of his duty of care. Due to the inaccurate nature of the paperwork, it was not possible to trace the lorry or the driver.

Mrs Dunne said Walker had been reckless and breached the duty of care he had when managing waste.

This unlawful waste disposal could have been prevented if the code of practice had been followed.

By breaching his duty of care, he avoided the costs and taxes involved in sending waste to a permitted site.

After the hearing, Environment Agency officer Tom Pickover said:

We hope this sends out a clear message to waste operators that they cannot take a cavalier approach to its disposal.

The duty of care rules are there to protect the environment and legitimate traders who want to do a good job of disposing of waste properly.

Walker was fined £10,000, ordered to pay £8,300 towards the costs of the clean-up of the fly-tipped rubbish and £6,532 in costs. There was also a £30 victim surcharge.

The defendant pleaded guilty to: Between 1 January 2018 and 31 January 2018 you failed to comply with the duty of care imposed by section 34(1)(a) of the Environmental Protection Act 1990 in that, being a person that disposes of controlled waste, namely, a skip full of mixed waste, did fail to take such measures as were reasonable in the circumstances to prevent any contravention by any other person of section 33 of the Environmental Protection Act 1990 contrary to section 34(1)(a) and (6) Environmental Protection Act 1990.

Between 1 February 2018 and 28 February 2018 you failed to comply with the duty of care imposed by section 34(1)(a) of the Environmental Protection Act 1990 in that, being a person that disposes of controlled waste, namely, a trailer full of mixed waste, did fail to take such measures as were reasonable in the circumstances to prevent any contravention by any other person of section 33 of the Environmental Protection Act 1990 contrary to section 34(1)(a) and (6) Environmental Protection Act 1990.

Between 1 January 2018 and 31 January 2018 you failed to comply with the duty of care imposed by section 34(1)(a) of the Environmental Protection Act 1990 in that, being a person that disposes of controlled waste, namely, a skip full of mixed waste, did fail to take such measures as were reasonable in the circumstances to prevent any contravention by any other person of section 33 of the Environmental Protection Act 1990 contrary to section 34(1)(a) and (6) Environmental Protection Act 1990.

Between 1 February 2018 and 28 February 2018 you failed to comply with the duty of care imposed by section 34(1)(a) of the Environmental Protection Act 1990 in that, being a person that disposes of controlled waste, namely, a trailer full of mixed waste, did fail to take such measures as were reasonable in the circumstances to prevent any contravention by any other person of section 33 of the Environmental Protection Act 1990 contrary to section 34(1)(a) and (6) Environmental Protection Act 1990.