

# Press release: Waste companies fined for sub-contracting to fly-tippers

Two Essex companies have received fines and charges totalling more than £45,000 after sub-contracting waste clearance work to a rogue carrier who went on to fly-tip the waste in Colchester.

Waste from a Colchester plant nursery was dumped at a nearby farm and an industrial unit in the town, leading to two companies appearing in a court hearing on Thursday 23 May 2019.

The nursery owner had paid waste and demolition company Walsh & Sons Ltd of West Horndon, Brentwood, £25,000 to clear his site but the waste was fly-tipped at Lodge Farm in Great Horkesley and outside a unit in Axial Way, Colchester.

Mrs Sarah Dunne, prosecuting for the Environment Agency, told Chelmsford Magistrates' Court that waste and demolition company Walsh & Sons said they had sub-contracted the job to Calahans Cleaning Services Ltd of Standford Le Hope. There was no written contract and neither company complied with its statutory duty of care.

She told the court that Nick Walsh, director of Walsh & Sons, had acted "with integrity" once he knew of the fly-tipping and had arranged for the waste to be cleared within 9 hours. Both companies had pleaded guilty and had apologised for the errors made.

The court heard that Calahans had employed a skip company to take the waste but had failed in their duty of care to check if the company was registered to carry waste, ask to where the waste would be taken, or completed any transfer of waste papers. The failure to complete and retain Waste Transfer Notes had made it impossible for the fly-tippers to be traced.

Mrs Dunne told the court:

The quantity of fly-tipped material was large and ugly and affected two locations. Both defendants failed to exercise their statutory duty of care and the waste was dumped as a result of these failures.

Ordering Walsh & Sons Ltd to pay a fine of £33,500, costs of £2,924.26 and a victim surcharge of £170, presiding magistrate Simon Phillips said the company had displayed a "high degree of negligence".

Calahans Cleaning Services Ltd were ordered to pay a £6,000 fine together with costs of £2,924.26 and a victim surcharge of £170. The presiding magistrate said that the failure to take reasonable measures meant that "the

opportunity to find the offender was lost”.

After the hearing, Environment Officer Sarah Frost said:

The duty of care cannot simply be delegated to another company. There is a duty to check how the next waste holder in the chain will handle the waste and where the waste’s journey will end.