

CMA consults on market investigation into emergency services' mobile radio network

The move follows concerns expressed about the impact of the dual role of Motorola as the owner of the company providing the current mobile radio network (Airwave Solutions) and as a key supplier in the roll-out of the planned new 'Emergency Services Network' (ESN).

The Government, the National Audit Office and the Public Accounts Committee have expressed concerns regarding Motorola's position and incentives to deliver ESN, given the continuing high profitability of the Airwave network. The Competition and Markets Authority (CMA) is particularly concerned that Motorola could stand to make excess profits of about £1.2 billion in the period from 2020 to 2026 – a cost which will ultimately fall to the British taxpayer. This issue has arisen because the planned replacement of the Airwave network with ESN has been delayed from 2019 to the end of 2026.

The CMA's initial review of the evidence available indicates that the supply of the Airwave network in Great Britain is not working well, resulting in significant detriment to customers and the taxpayer. Given the nature and significance of the issues the CMA has identified, it has reached the initial view that further investigation is needed.

Andrea Coscelli, Chief Executive of the CMA, said:

"At the moment, Motorola is the only provider of critical mobile radio network services used by our emergency service workers and is involved in both the current and future set-up. We're worried that the company could be cashing in on its position, while taxpayers are left to foot the bill.

"The CMA is minded to launch a market investigation to dig deeper into its concerns and will now consult with a range of stakeholders, including the Government, on its plans."

Motorola gained its dual role by purchasing Airwave in February 2016, two months after it had entered into a contract with the Government to provide software for ESN, intended to replace Airwave. The merger was cleared by the CMA, in part because of the expectation of the Government that the Airwave network would be shut down by 2019.

While the probe is still in early stages, the CMA has identified two potential solutions in its consultation that may, in principle, be available should a market investigation confirm its initial concerns: regulate Motorola's rate of return in relation to the Airwave network or require Motorola to sell the Airwave network.

The CMA is required to consult before making a market investigation

reference. Following its consultation, which is open until 2 September 2021, the CMA will decide whether to launch a market investigation.

For more information, visit the [consultation page](#).

School funding to be made fairer and clearer

School funding will be made simpler, fairer and more transparent as the Government levels up education across the country.

At the moment, the Government provides funding for schools according to a formula that takes account of factors including the needs of individual pupils and much more. But each local council sets its own formula for how to distribute that funding between schools in its area. It means similar schools can get different levels of funding – just because they happen to be in different parts of the country.

Today, Thursday 8 July, the Government is launching a consultation that seeks views on how to simplify that process and, ensure all schools are funded on a single, fair and consistent basis.

The Government is providing the biggest uplift to school funding in a decade – £14 billion in total over the three years to 2022-23 – as well as investing in early years education and targeting our ambitious recovery funding, worth £3 billion to date, to support disadvantaged pupils aged two to 19 with their attainment.

School Standards Minister Nick Gibb said:

Parents and families deserve to know that the extra money we are putting into the education system is benefitting their children, wherever they live.

We are delivering the biggest increase in school funding in a decade, with total additional funding of over £14bn over three years – but it is important the money is distributed fairly.

We've already taken significant steps by removing the postcode lottery of the previous funding system but now it is time to go further and make the system simpler and more transparent – and ensure every school is treated fairly, wherever it is in the country.

The proposals in this consultation will help to complete the current

programme of reforms to the funding system. It will make the funding system simpler and more transparent for all involved by better matching funding to the needs of each school and delivering on the government's manifesto commitment to level up education across the country.

It will also help to underpin the government's ambition for all schools to be part of a strong multi-academy trust, meaning all schools within a multi academy trust will be funded on a consistent basis, regardless of which local authority they happen to be located in. This will provide trusts with the predictability needed to make the best use of resources and drive up academic standards.

The consultation will allow the department, with the sector, to work through how specific aspects of the current funding system would need to change and be developed, including:

- Ensuring a smooth transition for schools as we implement reforms.
- Supporting effective SEND provision for schools.
- Developing the schools NFF, particularly to improve how funding is allocated to schools that face additional premises costs.

This is the first stage of the consultation on these reforms to the NFF, and it will be open for responses until Thursday 30 September. A second stage consultation will be published at a later date with more detailed proposals, following feedback to this first consultation. The department recognises that these proposals mark a major reform to the funding system, and is therefore taking a gradual, measured approach. In completing these reforms to the NFF over a number of years, we will consider the impact of each transitional step before making the next move. A majority of local authorities have moved towards the NFF since its introduction in 2018- 19. 73 local authorities, of 150, are now mirroring the NFF funding factors almost exactly. Our proposals will ensure continued, gradual movement of LA formulae towards the NFF.

[Stowey Quarry saga ends with final convictions](#)

European Metal Recycling Ltd, UK Environmental Ltd and its sole director Amar Seth all admitted to playing a part in the exploitation of Stowey Quarry as a cheap way to dispose of unpermitted waste and save money instead of paying for disposal through legitimate sites.

An investigation revealed 2001 tonnes of metal, foam and plastic shreds from end-of-life vehicles were sent from Tilbury Docks in London to the former limestone quarry near Chew Valley Reservoir under the guise of non-hazardous 'mechanically treated soil substitute'.

Stowey Quarry was not allowed to receive such waste. Businessman Mark Foley, who was supposed to be accepting a limited amount of clean, inert waste to create bunds and embankments as a waste recovery enterprise, was instead running an illegal landfill operation. [Foley is now serving a custodial sentence and his firm fined £72,000.](#)

A three-year investigation by the Environment Agency discovered that Amar Seth, the sole director of UK Environmental Ltd, brokered a deal with European Metal Recycling Ltd to send waste from shredded automobiles cheaply to Stowey Quarry to save the firm an estimated £32,000 in disposal costs.

UK Environmental Ltd had also arranged the sending of shredded bin bag waste from Wales to the quarry as 'soil substitute'. The subsequent investigation confirmed this was just a small proportion of similarly brokered deals.

UK Environmental Ltd was fined £28,000 and ordered to pay prosecution costs of £83,000. UK Environmental Ltd further agreed Confiscation figure £7,048.

European Metal Recycling Ltd was fined £400,000 and ordered to pay prosecution costs of £350,000.00. European Metal Recycling further agreed Confiscation figure £32,958.

Rebecca Kirk of the Environment Agency said:

This is the conclusion of one of the biggest criminal investigations we have conducted in the South West. It has taken many years and forensic analysis of criminal behaviour at many levels in the supply chain.

Sadly, the sentences cannot undo the environmental harm that has been done and the distress to the community, but they will serve as a deterrent to anyone who thinks waste crime is a soft option that doesn't carry consequences.

Bristol Crown Court heard that European Metal Recycling Ltd had a deadline to remove thousands of tonnes of automotive shredded residue from the dockside of Tilbury Docks in London. Most of this was earmarked for its waste-to-energy site in Oldbury. But at least 2,001 tonnes of fine shreds, up to 8mm in size, were sent across country to Stowey Quarry over a period of 16 days during May and June 2016. The loads were wrongly classified to stay compliant with the quarry's permit for clean, inert waste.

An independent lab test of a waste sample from Tilbury Docks proved it was not inert. However, European Metal Recycling Ltd had already begun shipping the waste to Stowey Quarry eight days earlier. Testing by the Environment Agency later confirmed a waste sample from the docks as toxic to the environment.

UK Environmental Ltd told the metal exporter to cease all shipments to Stowey Quarry on 19 May 2016 because of concerns of waste arriving to site from elsewhere and residents' issues with lorry movements. However, the

Environment Agency told the court it believed another 19 loads were sent between 1 and 10 June, arranged by the broker.

European Metal Recycling Ltd had sent an auditor who claimed the site was suitable to receive the waste. The firm also claimed the waste was mixed with sand, stone and soil in keeping with the material found at Stowey Quarry. However, the Environment Agency contended this mixing process was not happening before it arrived and would not make it any less hazardous to the environment.

Editor's notes:

UK Environmental Ltd of Office 4B, 43, Belkley Square, Mayfair, London pleaded guilty to the following charges:

Count 6

STATEMENT OF OFFENCE

FAILING AS A DEALER OR BROKER WITH CONTROL OF WASTE, TO DISCHARGE A DUTY OF CARE, contrary to Section 34(1)(aa) and 34(6) of the Environmental Protection Act 1990.

PARTICULARS OF OFFENCE

UK ENVIRONMENTAL LIMITED between 20 March 2016 and 18 May 2016 being a broker that had control of waste, namely organic shredded domestic waste from a Neath Port Talbot Recycling site, failed to take all such measures applicable to them in that capacity as were reasonable in the circumstances to prevent any contravention by any other person of Regulation 12 of the Environmental Permitting (England and Wales) Regulations 2010.

Count 8

STATEMENT OF OFFENCE

FAILING AS A DEALER OR BROKER WITH CONTROL OF WASTE, TO DISCHARGE A DUTY OF CARE, contrary to Section 34(1)(aa) and 34(6) of the Environmental Protection Act 1990.

PARTICULARS OF OFFENCE

UK ENVIRONMENTAL LIMITED between 1 April 2016 and 20 May 2016 being a broker that had control of waste, namely shredded fragmentiser waste and / or automotive shredded residue waste from Tilbury Docks, failed to take all such measures applicable to them in that capacity as were reasonable in the circumstances to prevent any contravention by any other person of Regulation 12 of the Environmental Permitting (England and Wales) Regulations 2010.

European Metal Recycling Ltd of Sirius House, Delta Crescent Warrington WA5 7NS pleaded guilty to the following charges:

Count 11

STATEMENT OF OFFENCE

DEPOSTING CONTROLLED WASTE contrary to Section 33(1)(a) and 33(6) of the Environmental Protection Act 1990

PARTICULARS OF OFFENCE

EUROPEAN METAL RECYCLING LIMITED, between the 2 May 2016 and 20 May 2016 at Stowey Quarry, Somerset, otherwise than in accordance with an environmental permit, deposited controlled waste, namely shredded fragmentiser waste and / or automotive shredded residue waste stored at Tilbury Docks.

Count 13

STATEMENT OF OFFENCE

DEPOSTING CONTROLLED WASTE contrary to Section 33(1)(a) and 33(6) of the Environmental Protection Act 1990

PARTICULARS OF OFFENCE

EUROPEAN METAL RECYCLING LIMITED, between the 31 May 2016 and 11 June 2016 at Stowey Quarry, Somerset, otherwise than in accordance with an environmental permit, deposited controlled waste, namely shredded fragmentiser waste and / or automotive shredded residue waste stored at Tilbury Docks.

Previous convictions relating to Stowey Quarry:

Mark Edward Foley of Whitehaven, Mill Lane, Castleton, Cardiff pleaded to the following charges:

One count of consent or connivance in the commission of an offence contrary to Section 33(1)(c) and 33(6) of the Environmental Protection Act 1990 or neglect to which that offence was attributable, contrary to Section 33(1)(c) and 33(6) and 157(1) of the Environmental Protection Act 1990

Between 1 January 2016 and 31 December 2016 committed the above offence with the consent or connivance or was attributable to the neglect of Mark Foley, Mark Foley being the sole director of the company. He was jailed for 2 years and 3 months.

One count of making false or misleading statements contrary to Section 44 of the Environmental Protection Act 1990.

Between the 29 October 2017 and the 1 December 2017 in purported compliance with a requirement to furnish written descriptions to the Environment Agency concerning the removal of unpermitted waste from Stowey Quarry, Somerset, provided forty-five waste transfer notes which he knew to be false or misleading in a material particular, or was reckless as to such, in that they purported to show the removal of forty-five loads of unpermitted waste from the Quarry between the 17 and 28 October 2017, when no such removal had in fact occurred. He was jailed for 18 weeks, to be served concurrently with above sentence.

M E Foley (Contractors) Ltd of Cowbridge Road East, Cardiff pleaded guilty to the following charges:

One count of treating, keeping or disposing of controlled waste in a manner likely to cause pollution of the environment or harm to human health contrary to section 33(1)(c) and 33(6) of the Environmental Protection Act 1990.

Between the 1st day of January 2016 and 31st day of December 2016 at Stowey Quarry, Somerset, kept or disposed of controlled waste, namely shredded

fragmentiser waste, automotive shredded residue, domestic waste, mixed waste fines and other waste including hazardous waste in a manner likely to cause pollution of the environment or harm to human health. The company was fined £72,000.

Sentencing for all above was held at Bristol Crown Court on 6 April 2021.

M E Foley (Contractors) Ltd of Cowbridge Road East, Cardiff, was fined £2,500 with £1,902 costs and £130 victim surcharge at Bath Magistrates Court in April 2017. It pleaded guilty to one charge of failing to comply with the requirements of a Section 34 Notice under the Environmental Protection Act 1990. This notice required the company to supply waste transfer notes in relation to waste deposited at Stowey Quarry.

Two waste hauliers were fined for failing to comply with the requirements of a Section 34 Notice under the Environmental Protection Act 1990 in 2017. These convictions are now spent.

[£230m boost for RAF submarine-hunter fleet](#)

The majority of the 153 BDUK jobs will be based at RAF Lossiemouth – the home of the Poseidon fleet – and will provide aircraft maintenance support and personnel alongside a comprehensive training package for aircraft crews. The remaining 46 jobs will be spread across sites at Bristol, Yeovil and Gosport.

Specialising in anti-submarine warfare, the Poseidon (P-8A) is the RAF's multi-role maritime patrol aircraft. Working alongside the Royal Navy and close maritime allies such as the United States and Norway, Poseidon locates, identifies and tracks potentially hostile submarines operating around UK waters.

Defence Secretary Ben Wallace said:

Our new Poseidon fleet continues to grow from strength to strength and is already defending the UK's maritime interests at home and abroad.

This contract with Boeing Defence UK secures our critical submarine-hunting aircraft capabilities whilst also creating a home-grown training enterprise and creating over 150 British jobs.

Scottish Secretary Alister Jack said:

This contract award and the creation of more than 100 jobs at RAF Lossiemouth is another great example of the benefits UK defence investment brings to Scotland.

The Moray station's fleet of Poseidon submarine hunting aircraft are vital to maintaining the security of the UK and our NATO allies. And the prosperity generated by defence employment in Scotland, alongside the UK Government's Plan for Jobs, will help us build back better from the pandemic.

This latest contract builds on the £470 million investment that the Poseidon programme has already driven to RAF Lossiemouth and the local area, creating and sustaining jobs and boosting the local economy.

The Poseidon fleet is operated from a new £100 million facility at RAF Lossiemouth, opened in September 2020. Over 300 jobs were supported during the facility's construction. The facility has a three-bay hangar, accommodation for squadrons, training, mission support and two state-of-the-art flight simulators.

RAF Lossiemouth has also undergone a £75 million upgrade to the runway and other operating surfaces. It will be the future home of the UK's fleet of Wedgetail Airborne Early Warning surveillance aircraft, Scotland's crucial role in UK and NATO defence and security.

DE&S P-8A Poseidon team leader, Malcolm French said:

I am extremely proud of the P-8A delivery team and what is yet another example of great delivery by DE&S. Placed to a tight timescale, and encompassing exacting requirements, this contract helps enable the full range of capability that Poseidon brings to be realised, sees our modern aircraft fully supported, and our personnel being trained from state-of-the-art facilities.

Nine Poseidon, based on the Boeing 737-800, have already been ordered from Boeing by the UK. Five aircraft named the 'Pride of Moray', 'City of Elgin', 'Terence Bulloch', 'Spirit of Reykjavik' and 'Fulmar' are all now operating out of Lossiemouth, with four more to come later this year.

The new investment in the Poseidon fleet is supported by the £24 billion increase to defence spending over the next four years and will ensure the aircraft can continue to undertake its vital role in securing our seas and combating rapidly evolving threats.

Capacity Market auction parameters: letter from BEIS to National Grid ESO, July 2021

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