

Essex waste directors sentenced and fined

One director was ordered to pay £50,000 in fines, compensation and legal costs whilst the other faces a 5 year ban as a company director.

By a unanimous verdict, 47 year old Mr Finbar Francis Breslin, formerly of Patent House, London E14 6NU and now of County Donegal, Republic of Ireland, was found guilty in his role as director for causing Prime Biomass Ltd to commit the offence of operating a regulated facility without a permit. Judge Bate said that Mr Breslin had been the front man before passing a sentence of conditional discharge for 2 years and imposing a 5 year director's disqualification order against him.

By a unanimous verdict, 59 year old Mr Mehmet Mustafa of Highlands Road, Bowers Gifford, Basildon, Essex was also found guilty for his part in the same crime and Judge Bate sentenced him to a fine of £4,000, a compensation order of £30,000 to the victim who was left with the abandoned wood waste and he was ordered to pay a contribution towards the prosecution costs in the sum of £16,000.

A third director was acquitted by a majority verdict.

The hearing follows a 5 week trial at the Old Bailey back in October and November 2018. The Environment Agency prosecuted the 3 directors for storing and treating waste wood in excess of the 500 tonne limit allowed by the waste exemption they had registered – causing a substantial dust contamination to neighbouring businesses, a fire risk to the local environment and passing on the costs to the landowner by abandoning the waste.

The Old Bailey heard that the 3 company directors of Prime Biomass Ltd had contracted with a Swedish company to supply recycled waste wood. The basis of the contract was that waste wood would be supplied to the company site in Dover's Corner Industrial Estate, New Road, Rainham, Essex RM13 8QT, treated, and then moved to another location before being exported to Sweden.

In January 2013 Mr Mustafa registered a T6 exemption on behalf of Prime Biomass Ltd – this exemption allows a company to chip, shred, cut or pulverise waste wood and waste plant matter to make it easier to store and transport, or to convert it into a suitable form to use. In this case, Prime Biomass Ltd was allowed to treat or store no more than 500 tonnes of waste wood in any 7 day period at their site.

When Environment Agency officers visited the site in September 2013 Mr Breslin admitted that the site contained 1,200 tonnes of waste wood which was in breach of the T6 exemption. An agreement was made that the company would reduce the waste. By 30 October 2013 some efforts has been made to reduce the waste wood pile.

However, on 2 visits in November 2013 the amount of waste did not appear to have reduced. On subsequent visits Environment Agency officers quantified that the waste had increased again.

Both directors were interviewed under caution. Mr Mustafa suggested that Mr Breslin was principally in control of the site. Mr Breslin in turn told officers that Mr Mustafa managed the site.

By February 2014 Prime Biomass Ltd was in liquidation, the directors had abandoned the site leaving the waste wood in situ.

The waste wood remained until late 2018 when the site and other surrounding land were sold for redevelopment.

Ruth Shaw, case officer from the Environment Agency said:

We visited the site on numerous occasions but the defendants continued to ignore our advice on how to comply with their exemption and run a site within the rules. Further visits to the site revealed an increase in illegal activity with even more waste on site, causing a serious fire risk and dust nuisance to the neighbouring community.

Ruth Shaw added:

Their actions showed blatant disregard for local residents and businesses, and put the environment and local amenity at risk. Waste crime can undermine legitimate businesses, so we work closely with businesses to help them comply with the law.

In cases like this where individuals consistently operate illegally, we have no hesitation in prosecuting them as we want to make sure that waste crime doesn't pay.

In May 2020 the Court of Appeal upheld convictions against Breslin and Mustafa.

Note to editor

A waste exemption is a waste operation that is exempt from needing an environmental permit. Each exemption has limits and conditions that you must meet.

<https://www.gov.uk/guidance/register-your-waste-exemptions-environmental-permits>

The Law

Regulation 12(1) states – A person must not, except under and to the extent authorised by an environmental permit-

(a) operate a regulated facility;

Regulation 38(1) states-

It is an offence for a person to-

- contravene Regulation 12(1)

Regulation 41(1) states – If an offence committed under these Regulations by a body corporate is proved –

- to have been committed with the consent or connivance of an officer; or
- to be attributable to any neglect on the part of an officer,

the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

[The Prime Minister has reappointed Professor Brian Cantor CBE and Lopa Patel MBE as Trustees of the Science Museum Group](#)

Brian Cantor is Professor of Materials at Oxford and Brunel Universities and an Editor of the journal Progress in Materials Science. He has published over 300 books and papers. He invented the field of High Entropy Alloys and discovered “Cantor alloys”.

In the recent past, he has been Vice-Chancellor of the Universities of Bradford and York, Head of Mathematical and Physical Sciences at Oxford, a research scientist at GE Labs in the USA, a consultant for Alcan, NASA and Rolls-Royce, and Vice-President of the Royal Academy of Engineering. He has worked at other universities such as Sussex, Northeastern, Banaras, Washington State, IISc Bangalore and the Kobe Institute, and chaired or been on boards such as the Marshall Aid Commission, the UK Universities Pensions Forum, and Bradford, Leeds and York Local Economic Partnerships (LEPs). He founded, chaired and built up the Begbroke Science Park, the Heslington East Campus, the Hull-York Medical School, the Institute for Effective Education, the Wolfson Centre for Applied Health Research, the National Science Learning Centre, and the World Technology Universities Network.

He was awarded a CBE for services to higher education in 2013.

Lopa Patel MBE is a Digital Entrepreneur, Non-Executive Chair, NED and Trustee with strengths in governance and risk oversight. The founder of two

ventures in online media and a data-driven marketing consultancy, she is also the Chair of equality and inclusion charity, Diversity UK; a Non-Executive Director of the Intellectual Property Office (IPO) and a Council Member of The Open University (OU).

She is an ambassador for entrepreneurship, innovation and technology and has been recognised with many accolades including an MBE for services to the creative industries; the Queen's Award for Enterprise Promotion and an Honorary Doctorate by The Open University, in recognition of her efforts to promote diversity and inclusion in science and technology.

These roles are not remunerated. These reappointments have been made in accordance with the [Cabinet Office's Governance Code on Public Appointments](#). The appointments process is regulated by the Commissioner for Public Appointments. Under the Code, any significant political activity undertaken by an appointee in the last five years must be declared. This is defined as including holding office, public speaking, making a recordable donation, or candidature for election. Professor Cantor CBE and Lopa Patel MBE have not declared any activity.

[Introducing Pubs Code arbitrator standards and PCA performance measures](#)

News story

New standards for Pubs Code arbitrators and PCA performance measures



Following the government's statutory review of the PCA's performance and effectiveness of the Pubs Code, the PCA has been working to act on the recommendations.

The PCA can now provide an update on two new developments, starting 1 April 2021.

- [Arbitrator standards](#) promoting timeliness, quality, and consistency. Arbitrators will need to agree to adhere to these standards when taking on any new appointment.
- [Annual performance measures](#) to monitor the PCA's performance in a number of areas. These will help to support targeted improvements to the way we work.

Standards for Pubs Code arbitrators

The standards set out what the PCA expects from a Pubs Code arbitrator and in turn will make this clearer for the parties. They cover, amongst other things, expectations for how the arbitrator will communicate with the parties, case progression and timescales and the use of the PCA's powers as regulator to require information about the arbitration.

The PCA will keep these standards under review, and they are subject to change following any feedback on how they are working in practice.

Measuring our performance

The PCA performance measures will show how we are performing against clearly defined standards and in some cases develop a baseline from which to measure change. This will help the PCA to identify areas for improvement as well as being more transparent in the way we work. The PCA will report on the measures annually.

Fiona Dickie said:

In the statutory review of the PCA and Pubs Code, the Secretary of State challenged me to change how the PCA does business. Setting performance measures provides a tool to improve ways of working and makes it easier for those we deal with to know what to expect.

We have come a long way in resolving long-standing arbitration cases; as well as publishing a number of arbitration awards, and more recently summaries, to improve transparency.

Effective and timely dispute resolution is crucial in ensuring there are no unreasonable barriers or deterrents for tenants in exercising their Pubs Code rights. That is why I have introduced these standards.

We continue to work on the recommendations from the statutory review to improve the operation of the Code and the way the PCA does business. I trust the industry will welcome these latest developments.

UK announces further sanctions on Myanmar military-linked companies

Foreign Secretary Dominic Raab has announced further measures targeting the Myanmar regime today (Thursday 1 April) with sanctions against military-linked conglomerate Myanmar Economic Corporation (MEC).

The sanctions against MEC will be enforced immediately for its involvement in serious human rights violations by making funds available to the military, as well as its association with senior military figures. Designating MEC will prohibit funds and economic resources being made available to any subsidiaries 'owned or controlled' by MEC as defined by the Global Human Rights sanctions regime.

The sanctions come as the Foreign Secretary also announces extra funding today to bolster a mechanism to collect, investigate and preserve evidence of serious human rights violations in Myanmar. The UK is contributing half a million pounds to the 'Independent Investigative Mechanism' for Myanmar (IIMM) to increase evidence gathering capabilities, which may in future be used in criminal proceedings.

The 'Independent Investigative Mechanism for Myanmar' was established by the UN Human Rights Council to collect and preserve evidence of serious human rights violations in Myanmar. The Open Source Investigation work will ensure that reporting on social media and elsewhere is identified and verified for use in future criminal proceedings, to hold to account those who are responsible for the killing and oppression of the people of Myanmar.

Foreign Secretary, Dominic Raab, said:

Two months on from the start of the coup, the Myanmar military has sunk to a new low with the wanton killing of innocent people, including children.

The UK's latest actions target one of the military's key funding streams and impose a further cost on them for their violations of human rights.

The designation of MEC is in response to credible evidence that it has contributed funds to support the Myanmar military, known as the Tatmadaw who have committed serious human rights violations across the country, and that MEC is associated with senior military officers. The MEC Board of Directors is mainly comprised of serving or retired military personnel, including Chiefs of Staff of the Army, Navy and Air Force and the former Quartermaster General.

The asset freeze imposed by the sanctions prevents anyone from dealing with funds or economic resources which are owned or controlled by the sanctioned individual or organisation. It also prevents others from providing funds or economic resources, directly or indirectly, to or for the benefit of the sanctioned individual or entity – in this case MEC.

Further information:

- The UK has led a strong, coordinated international response to the coup in Myanmar. This includes securing G7 statements on 3 and 23 February and urgently convened the UN Security Council following the coup with a statement on 4 February. In response to escalating violence, the UK convened the Council again on 5 March and secured a Presidential Statement on 10 March condemning violence against peaceful protestors.
- On 12 February, the UK co-led a Special Session of the UN Human Rights Council, securing a resolution, agreed by consensus, condemning the coup. On 24 March, we secured another HRC Resolution, again agreed by consensus, which condemned the military's actions and enhanced evidence collection on human rights violations. This demonstrates the strength of feeling in the international community in opposition to the coup.
- On 25 March, the UK sanctioned a key military conglomerate, Myanmar Economic Holdings Ltd (MEHL), for their role in supporting serious human rights violations against the Rohingya in 2017. Working with the US and Canada the UK has sanctioned nine military officers, including the Commander-in-Chief, for their involvement in serious human rights violations in Myanmar. We are exploring further sanctions.
- MEC is a military conglomerate with interests spanning a range of sectors including banking, mining, real estate, metals and transportation.

New Further Education Commissioner announced

Shelagh Legrave OBE DL, Chief Executive of Chichester College Group, has been appointed as the next Further Education Commissioner, Education Secretary Gavin Williamson announced today (1 April).

Shelagh has a wealth of experience and knowledge to bring to the role having been Principal & Chief Executive of Chichester College from 2010 and Chief Executive of Chichester College Group from 2017. This includes successfully leading the Chichester College Group through two mergers to achieve an outstanding judgement from Ofsted in 2020.

As Further Education Commissioner, Shelagh will lead a team of 18 Deputies and Advisers, working closely with the Education and Skills Funding Agency, to support and strengthen the leadership and governance of colleges, ensuring

they are well run and continue to offer high quality education and training to the communities they serve.

Education Secretary Gavin Williamson said:

I am delighted to appoint Shelagh to this vital role. She is hugely experienced in the sector, with a track record of outstanding success and improvement. At this crucial time for the country, an outstanding further education sector will be more important than ever and I look forward to working with Shelagh to support and challenge the sector to be the best it can be.

I would like to thank Sir Richard Atkins CBE for everything he has done over more than four years as Further Education Commissioner. He has made a huge impact in the role, which has developed significantly under his leadership and I wish him all the best in his retirement.

I would also like to thank Frances Wadsworth, currently a Deputy Further Education Commissioner, for agreeing to step in as interim Further Education Commissioner for the period until Shelagh starts in role.

Shelagh Legrave said:

It is a great privilege to be appointed Further Education Commissioner, particularly at this critical time when skills will be vital to rebuilding our economy and communities. As the FE White Paper has set out, colleges will be at the forefront of education and training that will enable social mobility and address the needs of employers. I look forward to supporting the Secretary of State and Skills Minister to ensure that further education and sixth form colleges across England are in the strongest possible position to change people's lives for the better.

Shelagh will play a key role in progressing plans outlined in the recent Skills for Jobs White Paper, building on the excellent work already happening across the country, so more people can gain the skills they need to progress into work and support the economy to grow.

She will take up her post in October for a two-year term.

Sir Richard Atkins, the current Further Education Commissioner, stepped down as planned on 31 March. Frances Wadsworth has been appointed as interim Further Education Commissioner until Shelagh starts in post. Frances is currently a Deputy Further Education Commissioner, having previously served

as Principal and CEO of Croydon College and East Surrey College.