



Natural Resources Wales response to question from Mick Antoniw AM on number of prosecutions

"I would like to ask you another specific question on prosecutions, which you referred to in your report. I would like to ask about the actual numbers in terms of enforcement. There were 209 prosecutions; how does that compare with previous years?"

Environment and Sustainability Committee, 7 May 2014.

1 April 2013 to 31 March 2014

Total number of prosecutions = 210

The breakdown for this total in terms of **functions** is that there were :-

44 waste prosecutions;

21 water quality prosecutions;

31 fisheries prosecution [this does not include individuals fishing without a valid licence but does include more serious fisheries offences];

113 prosecutions of individuals fishing without a licence; and

1 prosecution for illegal tree felling

In terms of **sentences**, the court has imposed the following in relation to the cases we have prosecuted:-

Fines total = **£214,618**

Total costs awarded to NRW = **£162,526.89**

The following **sentences** were also imposed (non-financial penalties):-

Conditional discharges

- In 5 cases, the court imposed a 12 month conditional discharge and in 3 cases, a 6 month conditional discharge.

Community Punishment Orders

- A 200 hour community punishment order was imposed for one defendant.

Unpaid work/Supervision Orders

- A sentence of 200 hours unpaid work and a supervision order was ordered for one defendant.
- A sentence of 200 hours unpaid work was ordered for two defendants.

- A sentence of 300 hours unpaid work together with a 12 month supervision order.
- A sentence of 250 hours unpaid work.
- A sentence of 150 hours unpaid work.

Forfeiture

- The total number of forfeiture orders made by the court (relating to items used in illegal fishing cases) is 19.

CRASBO

- One defendant was sentenced to a CRASBO (a criminal anti social behaviour order) which prevents him from carrying, accepting, disposing or arranging the disposal of any controlled waste without a licence, an environmental permit or any other lawful authority for a period of 5 years.

Curfew Orders

- One defendant was sentenced to a curfew order for a period of 5 months between the hours of 18.30 and 05.30.

Director Disqualification

- Two defendants were disqualified as directors following conviction for a period of 10 years.
- One defendant was disqualified as director following conviction for a period of 5 years.
- One defendant was disqualified as director following conviction for a period of 3 years.
- One defendant was disqualified as director following conviction for a period of 2 years.

Prison sentences (including suspended prison sentences)

- Suspended prison sentences have been ordered in a number of cases. These include one for 4 months, one for 112 days, two terms of imprisonment for 2 years suspended for 2 years [2 separate individuals], one period of 12 months imprisonment suspended for 2 years, one defendant was sentenced to 10 months in custody, suspended for 2 years, one defendant sentenced to 12 months imprisonment suspended for 12 months, one defendant sentenced to 32 weeks imprisonment suspended for 12 months and one defendant sentenced to 16 weeks imprisonment suspended for 12 months.
- Prison sentences were imposed on 2 defendants. Both were sentenced to 4 years imprisonment on a charge of conspiracy and on a charge of money laundering, a further 12 months to run concurrently.
- Prison sentences were imposed on 2 defendants. Both were sentenced to 6 months imprisonment.

We had 8 cases where defendants were acquitted, in two cases due to our review of the case and an alternative decision taken to offer formal cautions, in another case, 2 defendants were acquitted at court and in 4 cases following trial.

Total number of cautions issued = 23

Total number of enforcement notices issued = 105

Civil Sanctions

We have received three Enforcement Undertakings since the formation of NRW. Two are still under review and one has been completed.

The completed matter is John Liscombe Limited a Company based in Newport. They are a manufacturer and supplier of personal protective equipment. The company registered as a packaging producer for the first time in 2013. During a routine audit of packaging data submissions, NRW identified that the company may have been obligated in previous years. The company had committed offences from 2009 to 2012 in relation to failure to register and failure to recover and recycle.

The company offered NRW an Enforcement Undertaking which included a donation of £9000 to Gwent Wildlife Trust. This amount is made up of an estimate of their avoided costs and a penalty element. The company also paid our costs of £900.

Proceeds of Crime Act : confiscation orders

The court has ordered 6 confiscation orders under the Proceeds of Crime Act 2002 during 1.4.13 and 31.4.14. In these cases, the court has determined that over £3.2million has been made from the illegal waste business in those 6 cases alone. The court has gone on to determine that of the assets available to those defendants, over £550,000 is available to be confiscated. Half of this money is paid to the Home Office and NRW will receive a proportion of the remainder which is to be used in accordance with a Home Office Scheme.

This clearly demonstrates that the illegal waste business can undercut and undermine legitimate operators and divert significant sums of monies from legitimate operators in Wales. NRW is demonstrating that it will take a robust approach to illegal waste crime which has enhanced confidence in customers that appropriate action will be taken to eliminate illegal financial gain. It also acts as a significant deterrent to other potential offenders.

1 April 2012 to 31 March 2013

Total number of prosecutions = 258

The breakdown in terms of **functions** is that there were:-

49 waste prosecutions

1 water quality prosecution

48 fisheries prosecutions (this does not include individuals fishing without a valid licence but does include more serious fisheries offences)

160 prosecutions of individuals fishing without a licence

In terms of **sentences**, the court has imposed the following in relation to the cases which were prosecuted:-

Fines total = £152,233.00

Total costs awarded to EAW = £127,150.13

The following **sentences** were also imposed (non-financial penalties):-

Conditional discharges

- In 7 cases, the court imposed a 12 month conditional discharge and in 1 case, a 24 month conditional discharge.

Community Punishment Orders

- A 12 month community punishment order was imposed on one defendant which consisted of 200 hours of unpaid work.

Remediation Orders and Compensation Orders

- One remediation order and one compensation order was made by the courts.

Prison sentences (including suspended sentences)

- One defendant was ordered to serve a 4 month prison sentence for waste offences. Another defendant was sentenced to 6 months imprisonment which was suspended for 2 years for waste offences.

We had 5 cases where defendants were acquitted by the court and we withdrew 5 cases.

Total number of cautions issued = 93

Civil sanctions

During this year, three enforcement undertakings were accepted and completed. Two cases related to packaging waste matters and one concerned a fisheries case. In total, donations of £19,483.83 were made to third parties in Wales and we recovered costs in excess of £4,700.

Jojo Maman Bebe Limited made a £3000 donation to the Wildlife Trust of South and West Wales and BTCV Wales [50/50 split] and paid £790 costs. The Ben Hay Partnership made a £1000 donation to Wildlife Trust of South and West Wales and paid £3227.10 in costs [water quality case]. Roma Medical Aids Limited made a £15,483.83 donation to Woodlands Trust with £750 min costs.

Proceeds of Crime Act: confiscation orders

The court ordered 6 confiscation orders under the Proceeds of Crime Act 2002 during 1.4.12 and 31.3.13. Of those cases, the courts determined that over £11m has been made from the illegal waste business in those cases alone. The court has gone on to determine that of the assets available to those defendants, over £749k is available to be confiscated.