

[REDACTED]

FMP Reference Number: FMP-2022-9018  
Payment Reference Number: 9026077

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## SCOTTISH ENVIRONMENT PROTECTION AGENCY

### THE ENVIRONMENTAL REGULATION (ENFORCEMENT MEASURES) (SCOTLAND) ORDER 2015 (“the Order”)

#### FIXED MONETARY PENALTY NOTICE

To: **George Steel Contract Services Limited**

[REDACTED]

[REDACTED]

Falkirk

Scotland

FK2 [REDACTED]

**Company number SC501282**

The Scottish Environment Protection Agency (“SEPA”) has considered the representations made by you in response to notice of intent with reference number NOI-2022-9015. SEPA’s response to those representations is contained in the attached schedule. SEPA has decided to impose a Fixed Monetary Penalty (FMP) on you.

SEPA hereby notifies you that you are liable to an FMP because SEPA is satisfied on the balance of probabilities that you have committed a relevant offence prescribed under the Order, namely an offence under Section 33(6) of the Environmental Protection Act 1990.

#### **Grounds for imposing the penalty:**

Grounds for the proposal to impose the fixed monetary penalty:

SEPA is satisfied that George Steel Contract Services Limited disposed of controlled waste on land without the authority of a waste management licence on the date and at the location specified below, in that employees of the company disposed of waste there by burning and there is no waste management licence in place for the land. This is contrary to the Environmental Protection Act 1990, Section 33(1)(b)(i), which states that, “a person shall not dispose of controlled waste on any land except under and in accordance with a waste management licence”. It is an offence under Section 33(6) of the Environmental Protection Act 1990 to contravene Section 33(1)(b)(i).

On the 12 July 2022, SEPA received a notification to advise of burning at the location below, advising that smoke was generating an unpleasant odour.

On the 13 July 2022 at 1300, two authorised SEPA Officers attended the site below and spoke to a director of the company George Steel Contract Services Limited in relation to the reported activity. The director identified the area that had been used for burning and advised that his employee had been burning pallets.

SEPA Officers inspected the area identified by the director and noted a stockpile of remains on the ground and also within an oil drum container that was still generating some smoke. Within the remains on the ground, the SEPA Officers identified a number of items, including the remains of a cable, pot / metal lids, nails, and a metal hinge. Inside the oil drum container, on top of the remains, the SEPA Officers identified wood, food and drink containers and some burned food. Photographs were taken. The director then advised that he had disposed of paper relating to the business on the 13 July 2022.

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On the 9 August 2022, two authorised SEPA Officers attended the site and spoke to the employee identified by the director as having undertaken the burning. The employee confirmed that waste generated from business activities had been disposed of by burning on 12 July 2022 by him. The employee explained that there were no other facilities available to dispose of waste in another manner and this type of activity had been ongoing for a number of years with knowledge of the director of George Steel Contract Services Limited.

Under Section 38 of the Regulatory Reform (Scotland) Act 2014, an employer can be liable for a relevant offence committed by an employee. SEPA is satisfied that in this instance George Steel Contract Services Limited failed to take all reasonable precautions and exercise all due diligence to prevent an offence being committed by their employees.

SEPA is satisfied that this was a waste disposal activity and that George Steel Contract Services Limited has no authorisation to dispose of controlled waste on this land by burning.

**Date of offence:** 12 July 2022 and 13 July 2022

**Location of offence:** Land at [REDACTED] Falkirk, FK2 [REDACTED]

The amount of the proposed FMP is £600.

You are required to pay the sum in full within 56 days beginning with the day this notice is served on you.

Details of how to pay, what will happen if you do not pay and how to appeal against this Notice are provided overleaf.

Signed..... [REDACTED]

Date: 6 January 2023

Authorised to sign on behalf of  
The Scottish Environment Protection Agency

## **Amount of Penalty and effect of payment**

The penalty has been set in accordance with the Environmental Regulation (Enforcement Measures) (Scotland) Order 2015 (“the Order”).

## **How to Pay a Fixed Monetary Penalty**

Acceptable payment methods are: Personal or Company Cheques, Debit Card, Credit Card, Postal Orders, and BACS.

Card payments can be made via the SEPA “Pay My Account” Service at [www.sepa.org.uk/payments](http://www.sepa.org.uk/payments). You should quote the FMP Reference Number as detailed on the front of this Notice in all communications with SEPA.

To make a BACS payment please email [invoices@sepa.org.uk](mailto:invoices@sepa.org.uk) or call 07388 371 621 for our bank account details or queries.

Cheques and Postal Orders should be made payable to: Scottish Environment Protection Agency and sent to FMP Unit, SEPA, Angus Smith Building, 6 Parklands Avenue, Eurocentral, Holytown, North Lanarkshire, ML1 4WQ.

## **Late payment and Non-payment**

If you do not pay the full amount owed within 56 days beginning with the day this notice is served on you, the amount due will be increased by 40% in accordance with the Order. SEPA can recover sums due but not paid in full as a civil debt.

## **Appeals**

You can appeal against this Notice to the Scottish Land Court within 28 days beginning with the date of service of this Notice on the grounds that:

- The decision was based on an error of fact
- The decision was wrong in Law
- The decision was unreasonable
- Any other reason, (with the exception that the Order states that it is not a valid ground of appeal that SEPA failed to comply with the Guidance issued to it by the Lord Advocate under the Act).

You should submit your Appeal to The Scottish Land Court, George House, 126 George Street, Edinburgh, EH2 4HH. An application form for an appeal can be obtained by contacting the Court on 0131 271 4360 or from the Court’s website at <http://www.scottish-land-court.org.uk/using/making-an-application>. It would be helpful if you also sent a copy of your appeal documentation to SEPA, The Registry Department, Angus Smith Building, 6 Parklands Avenue, Eurocentral, Holytown, North Lanarkshire, ML1 4WQ.

The bringing of an appeal will have the effect of suspending payment of the penalty until after the appeal has been determined or withdrawn.

## **Queries**

Any queries about this Notice should be addressed to SEPA, The Registry Department, Angus Smith Building, 6 Parklands Avenue, Eurocentral, Holytown, North Lanarkshire, ML1 4WQ or by email to [registry@sepa.org.uk](mailto:registry@sepa.org.uk). Please note that entering into correspondence does not alter the timescale for submission of an appeal or payment being due.

## The Data Protection Act 2018

Any personal data, provided in connection with this Notice, will be processed by the Scottish Environment Protection Agency for the purposes of publication and may be disclosed to Scottish Government and other public bodies. We may also pass it on to our agents/representatives to act on our behalf in connection with this Notice. Please address any questions, comments and requests regarding our data processing practices to [dataprotection@sepa.org.uk](mailto:dataprotection@sepa.org.uk)

Additional information about how we use personal information in the context of monetary penalties is available in the relevant SEPA Privacy Notice, which can be accessed from our website [www.sepa.org.uk/help/privacy-policy/privacy-notices](http://www.sepa.org.uk/help/privacy-policy/privacy-notices)

Information in relation to penalties will be published and publicised in accordance with SEPA's Policy on Communicating Penalties and Undertakings, which can be accessed from our website.

Please address any questions, comments and requests regarding our data processing practices to [dataprotection@sepa.org.uk](mailto:dataprotection@sepa.org.uk).