

# Press release: Bristol company fined for hazardous waste offences

They were fined for illegally supplying thousands of tonnes of hazardous waste to a development site in Avonmouth.

The sentencing follows a 5 year Environment Agency investigation into Churngold Recycling Ltd and 2 of its directors, John Barcham and Lee Phelan. Codenamed 'Operation Durable', the investigation culminated in a 9 week trial at Bristol Crown Court earlier this year.

Churngold operated a waste transfer site at Hallen Yard on the Severn View Industrial Estate, Avonmouth, where it supplied soil and aggregate for the building industry. Waste was collected from sites across the UK and stored and treated at Hallen Yard.

The company operated under a waste management licence, issued by the Environment Agency. This controlled the types of waste accepted at the transfer station and the activities permitted at the site.

In June 2011, Churngold was awarded a contract to remove hazardous waste from a site in Oxford where the car company, BMW, discovered extensive contamination under a building during re-developing its Cowley factory. Trial pits and testing revealed high levels of heavy metals, hydrocarbons and asbestos contaminated materials.

Churngold was paid £750 per load to remove the hazardous waste to its yard in Avonmouth for treatment prior to it being used as a building material. Between July to September 2011, a total of 31,000 tonnes of waste was brought from Cowley to Churngold's waste transfer station in Avonmouth. The volume of waste kept increasing and very quickly exceeded the transfer station's limit of 6,000 tonnes.

Around the same time, Churngold was awarded a contract to supply 60,000 tonnes of aggregate to the site of a new Co-operative supermarket distribution centre at Cabot Park, Avonmouth. The aggregate would be mixed with inert material that had gone through a 'stabilisation process' making it suitable for use as a building material.

On 7 September 2011 Churngold delivered the first load to the Co-op site. Over the next fortnight it transported a total of 64,000 tonnes (2,751 loads) to the new distribution centre site.

Ground-workers at the Co-op site said the Churngold material gave them 'runny and sore eyes'. One worker said it smelt like 'faeces and bleach' and 'took his breath away.' Others described the clay-like material as 'smelling like a hospital'.

Waste from the BMW site in Oxford had undergone partial treatment to remove asbestos materials, but some asbestos remained and it was still hazardous

when it arrived at the Churngold's Hallen Yard in Avonmouth. The company was told the waste required further treatment.

As operations manager, Lee Phelan would have been fully aware of the requirements of the transfer station's permit conditions. Failure by Churngold to fully treat the waste, potentially exposed staff and visitors to Hallen Yard and ground-workers at the Co-op site to health risks from the asbestos.

Churngold's environment manager became concerned after discovering the hazardous nature of the BMW car plant waste. She told Barcham and Phelan it was 'untreatable'. They repeatedly ignored her warnings.

On 22 September 2011 a former Churngold employee notified the Co-op that contaminated material had been delivered to their new distribution centre at Cabot Park. Subsequent analysis revealed the presence of asbestos in 47 of 60 samples, high levels of total petroleum hydrocarbons (TPH), polycyclic aromatic hydrocarbons (PAH) as well as significant levels of leachable lead, cyanide, copper, antimony and total sulphate concentrations that posed a risk to groundwater and nearby watercourses.

Barcham was described as a 'domineering character' who liked to micro manage. Nothing would happen without his say so or knowledge including where treated waste went after treatment. He once told the company's environment manager, 'We don't tell the EA what we are doing, we do it and then tell them how we've done it.'

The company failed to inform the Environment Agency of the massive amount of hazardous material being stockpiled at Hallen Yard or where it had come from. The sheer volume of materials arriving at the site made it impossible to segregate or treat them properly. This caused the site to breach its permit.

The Environment Agency had earlier advised Churngold that waste containing heavy metals remains hazardous even after it has undergone a stabilisation process. The court heard that while Phelan had worked in the waste industry, he had no qualifications or experience of treating hazardous waste.

Work on the Co-op site was suspended on 1 December 2011 following publication of the analysis report. The Environment Agency confirmed the material was illegally deposited hazardous waste and that it should be removed to a suitable waste facility for safe disposal.

The Environment Agency investigation revealed that Churngold had also illegally disposed of hazardous waste including asbestos, railway sleepers, plastic, metal pipes, vehicle tyres and foam pipe lagging at a second site, Minors Farm, Severnside.

Adrian Evans, for the Environment Agency, said:

Hazardous waste must be handled and treated with great care to safeguard human health and the environment. This case shows the Environment Agency will take serious action against people who fail

to comply with the law.

Churngold Recycling Ltd had a culture where commercial gain was given priority over environmental protection. We hope this prosecution sends out a strong deterrent message to others who flout the law.

Churngold Recycling Limited, John Barcham and Lee Phelan faced a total of 10 charges under the Environment Protection Act 1990 and Environmental Permitting Regulations 2010 at a 9 week trial that started in May 2017.

Judge James Patrick QC said “the treatment of the waste was unscientific and amateur” and that the defendants showed a “flagrant disregard for the law”.

The company was found guilty of 4 offences. John Barcham was found guilty of 1 offence and Lee Phelan convicted of 3 offences. There were 3 not guilty verdicts and the jury failed to reach a verdict on the 2 remaining charges.

The judge praised the Environment Agency for the quality of their professional investigation.

Summary of convictions:

Churngold Recycling Ltd:

- Between 1 July to 31 December 2011, failed to comply with conditions of permit at Hallen Yard, Avonmouth, an offence under Reg 38(2) under the Environmental Permitting Regulations: £12,000 fine
- Between 1 September to 31 September 2011, deposited controlled waste at the Co-operative Site, Cabot Park, Avonmouth without a permit contrary to Section 33(1)(a) and 33(6) of the Environmental Protection Act 1990: £3,000 fine
- Between 1 January to 31 December 2011, treated, kept or disposed of controlled waste in a manner likely to cause pollution or harm to human health contrary to Sections 33(1)© and 33(6) of the Environmental Protection Act 1990: £5,000 fine
- Between 1 June to 31 December 2011, deposited controlled waste at Minors Farms, Hallen, Bristol contrary to Section 33(1)(a) and 33(6) of the Environmental Protection Act 1990: £2,450 fine

John Barcham:

- Between 1 July to 31 December 2011, failed to comply with, or contravention of, a Waste Management Permit condition contrary to Regulation 38(2) of the Environmental Permitting Regulations 2010: 6 months suspended for 12 months and costs of £10,000
- John Barcham ordered to carry out 75 hours of unpaid work

Lee Phelan:

- Between 1 July to 31 December 2011, failed to comply with, or contravention of, a Waste Management Permit condition contrary to

Regulation 38(2) of the Environmental Permitting Regulations 2010: 6 months suspended for 12 months

- Between 1 September and 30 September 2011, deposited controlled waste on land without a permit contrary to Section 33(1)(a) and 33(6) of the Environmental Protection Act 1990: 1 month suspended for 12 months
  - Between 1 January to 31 December 2011, treated, kept or disposed 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: 1 month suspended for 12 months
  - Lee Phelan ordered to carry out 100 hours unpaid work
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## [News story: Defence Secretary announces Armed Forces Covenant and Veterans Board](#)

Co-chaired by Defence Secretary Sir Michael Fallon and First Secretary of State Damian Green, and reporting to the Prime Minister, the board underlines the Government's enduring commitment to the Armed Forces community.

Meeting biannually, the Board will drive forward the existing Armed Forces Covenant commitments community across all Government departments responsible for delivery, with a specific focus on the priority areas of healthcare, including mental health. Housing, education, and employment opportunities are also other areas which will be covered. In addition, the Defence Secretary and the First Secretary of State will meet separately with leading Service charities and the single Service Family Federations to discuss the Covenant on an annual basis. This will ensure the views of the wider Armed Forces Community are represented in government decisions. Government initiatives delivered to date through the Armed Forces Covenant include:

- The Forces Help to Buy scheme (MOD), which has allowed thousands of Armed Forces personnel and their families to borrow up to half their salary to get on the housing ladder.
- The Armed Forces Covenant Fund, which provides £10M per annum to support mutually beneficial projects and programmes being delivered by organisations across the UK in partnership with the Armed Forces Community.
- The Job Centre Plus Armed Forces Champions (DWP) helps current and former members of the Armed Forces and their families access Jobcentre Plus services
- The Transition, Intervention, and Liaison (TIL) veterans' mental health service (NHS) acts as a front door to a range of mental health services across the health and care system for veterans.

- The Service Pupil Premium (DfE), which is paid to schools to engage with service children to mitigate any adverse impact of family mobility and parental deployment. The Board will also seek to maximise the potential of the Armed Forces Community through mutually beneficial partnerships with businesses, as well as with local communities throughout the UK.
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## **News story: UK collaboration at the International Astronautical Congress**

The conference, which ran from Monday 25 September to Friday 29 September, saw more than 4,500 space professionals and enthusiasts attend from 84 countries for a week of events, meetings, collaborations and discovery.

Earlier in the week a landmark agreement was signed between Surrey Satellite Technology Limited (SSTL) and Australia's Commonwealth Scientific and Industrial Research Organisation (CSIRO) to provide Australia access to the cutting-edge British satellite NovaSAR-S.

Surrey Satellite Technology Limited (SSTL) will provide CSIRO a 10% share of the tasking and data acquisition capabilities from NovaSAR-S, a small radar satellite due for launch later this year.

Speaking at the conference Graham Turnock, Chief Executive of the UK Space Agency, said: "The UK space sector is in the middle of a renaissance, begun seven years ago under David Williams [former UK Space Agency CEO] here, and carried on over the last six years by a partnership between our excellent UK space industry, represented here by SSTL, and with continued support from the UK government at the highest levels.

"NovaSAR is an exciting opportunity for the UK and for our partners in the mission. Data from orbit has the potential to change the way we understand and interact with our changing environment, strengthening our public services as well as creating new opportunities for commercial services."

Computer generated image of NovaSAR-S in orbit. Credit SSTL.

NovaSAR-S is a technology demonstration mission designed to complement much larger, complex radar satellites with a smaller, lighter and more cost effective platform that delivers Earth observation Synthetic Aperture Radar imagery day and night, and through cloud cover. Managing the energy use on board the small SAR platform has been made possible by using a new, highly efficient S-band solid-state amplifier technology and flying an innovative S-band SAR payload developed by Airbus UK in Portsmouth.

The agreement gives CSIRO tasking rights and the ability to access the raw data directly from the satellite, and a licence to use and share the data

with other Australian companies and organisations over an initial 7 year period.

The UK Government provided £21 million grant to assist in the development of NovaSAR-S and will also benefit from access to the SAR data, significantly boosting the UK's sovereign Earth Observation capabilities for applications such as ship detection and identification, oil spill detection, forestry monitoring and disaster monitoring, particularly flood detection and assessment.

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## **Press release: Priti Patel cracks down on “scandal” of unethical practices with tough new reforms on aid suppliers**

The International Development Secretary Priti Patel today announced a bold plan for tough reform of the Department for International Development's (DFID) work with suppliers, by clamping down on the risk of profiteering, excessive charges and unscrupulous practices.

Following a fundamental review of DFID's work with suppliers, Ms Patel is introducing stricter new rules that will ensure all contractors deliver the best possible results for the world's poorest people and provide value for taxpayers' money, with the threat of legal repercussions for those who break the rules.

New measures announced today include:

- a robust new Code of Conduct which is leading the way across government to ensure the highest standards of ethical and professional behaviour by DFID suppliers, with legally enforceable sanctions – such as ending contracts early – for those caught breaking the rules by our new compliance team
- tougher scrutiny of costs and greater transparency by including new clauses in contracts to allow DFID to inspect costs, overheads, fees and profits of suppliers in detail and new powers to intervene to tackle profiteering and cut out waste
- publishing annual league tables of supplier performance to name and shame those who are not delivering value for money

- stopping so-called “bid candy” practices, by which large suppliers include smaller businesses to win bids, but then drop them from the contract
- cutting red tape to boost competition and open up DFID’s market to new businesses including small enterprises in the UK and the world’s poorest countries.

The International Development Secretary Priti Patel said:

These tough reforms provide a clear message to aid suppliers – any misuse of taxpayers’ money is a scandal that will not be tolerated.

DFID is leading the way across Government with new measures that will ensure aid is spent in the best way, with every single penny delivering value for money. New legal penalties allow us to take firm action against those who break the rules.

We will make the supplier market we work with more competitive and transparent, providing greater opportunities for new and smaller businesses in the UK and ensuring we work with those who can achieve the best results that UK taxpayers and the world’s poorest deserve.

These reforms will ensure that every DFID contractor upholds the highest standards and is held to account for meeting them. They enable DFID to be smart and tough with its big suppliers and give more opportunities to new and smaller businesses in the UK and the poorest countries.

Aid contractors play an important role in development work when they deliver well. They provide specialist expertise, flexibility and deliver UK aid’s life-changing work in some of the most fragile and dangerous places in the world.

## **Note to Editors**

1. In December 2016, the International Development Secretary announced a fundamental review of DFID’s management of its contracted suppliers, to ensure the highest standards of ethical behaviour and protect against any possibility of profiteering by suppliers. This review has now concluded.
2. The International Development Secretary has published an open letter to suppliers today setting out these tough new reforms, as well as a [new code of conduct for suppliers and DFID staff](#).
3. DFID has already introduced new contract terms and conditions to apply to all new procurement tenders and extensions from September 1 2017. From today, we will begin to renegotiate existing contracts in line with these changes, focusing on our existing major, high-value contracts. These are contracts individually totalling over £20 million, which

account for a third of the overall value of DFID's contracts and are delivered by our 30 biggest suppliers.

4. We will continue to roll out these tough new reforms to Civil Society Organisations funded by Accountable Grants over the coming months.
5. New clauses in supplier contracts include Open Book Accounting clauses allowing DFID to inspect costs, overheads and fees of suppliers in detail, and clauses giving DFID the power to intervene to prevent profiteering – both policed by a rolling programme of compliance checks.
6. As part of its wider international development reform agenda set out in the [Multilateral Development Review](#), DFID will press multilateral development organisations to adopt similar measures.
7. As a demonstration of the important work DFID has been undertaking in recent months, the Department has been awarded the 2017 Chartered Institute of Procurement and Supply (CIPS) Annual Award for 'Best Contribution to the Reputation of the Procurement Profession'.

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## [News story: Health Secretary announces nursing workforce reforms](#)

Health Secretary Jeremy Hunt has announced wide-ranging reforms to increase nurse training places and retain staff.

A 25% increase in training posts for nurses is part of a range of measures to:

- ensure the NHS meets current and future nursing workforce needs
- improve working conditions
- provide new routes into the profession

The government will provide funding for the clinical placements required for an additional 5,170 pre-registration nurse degrees from 2018. This builds on the commitment to 10,000 more training places for nurses, midwives and allied health professionals announced in August this year.

### **Nursing associates**

A further 5,000 nursing associates will be trained through the apprentice route in 2018, with an additional 7,500 being trained in 2019. Nursing associate is a new role which provides a work-based route into nursing for existing health and care staff or new recruits who may not be able to give up work to study full-time at university.

A new shortened nurse degree apprenticeship route will also be introduced for qualified nursing associates who wish to work towards full Nursing Midwifery Council registered nurse status.

As part of this expansion in nursing staff, we will explore opportunities for higher education institutes to deliver formal classroom teaching in a more innovative way in employers' facilities. This training will not compromise on quality and will continue to meet the high standards expected of trainees by the nursing regulator, the Nursing Midwifery Council.

## **Increasing participation and social mobility**

The measures are part of the government's commitment to widen participation and social mobility throughout the health sector. They will also help to reduce the reliance on overseas recruitment by boosting the supply of home-grown nurses.

Jeremy Hunt, Secretary of State for Health, said:

The NHS will be looking after a million more over-75s in just a decade, so we need to jump-start nurse training.

This represents the biggest increase in nurse training places in the history of the NHS – and we will make sure that many of the additional places go to healthcare assistants training on hospital sites. This will allow us to expand our nurse workforce with some highly experienced people already working on the NHS frontline.

We will also improve retention rates amongst our current workforce, introducing new arrangements to support flexible working available to all NHS staff, and a new right of first refusal for affordable housing built on NHS property. Combined with the 25% increase in undergraduate medical school places announced last year it will transform the ability of the NHS to cope with the pressures ahead.

## **Improving working conditions**

As well as training more nurses, the Health Secretary announced new measures to improve working conditions for the NHS workforce, including:

- arrangements to support flexible working to help staff to balance work-life commitment.
- a system of staff banks for flexible workers across the NHS, increasing opportunities for NHS staff to work on NHS terms and reduce agency costs for employers
- a 'Homes for Nurses' scheme – which will give 3,000 NHS workers first refusal on affordable housing generated through the sale of surplus NHS land

If you would like to keep up to date with news about nursing workforce reforms please sign up to our [mailing list](#).