



# ECO FAIR

West & North Yorkshire Chamber

## Managing Compliance with Laws and Regulations

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Yorkshire Chamber  
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# IEMA.....Transforming the world to sustainability

We are the global membership body of environment and sustainability professionals, working to make businesses and organisations future-proof.

- Recognition
- Support
- Influence

**It's time to act.....**



# Outline

1. What do we mean by compliance
2. Types of laws and regulations
3. Environmental regulators and the principles of modern regulation
4. Identifying and managing compliance
5. Evaluating compliance performance
6. Consequences if things go wrong
7. Skills and capability to successfully manage compliance

# What do we mean by compliance?

## Compliance Obligations:

Legal requirements that an organisation has to comply with and other requirements that an organisation has to or chooses to comply with

(ISO 14001:2015)

## Legal compliance

Full implementation of applicable environmental legislation. Compliance occurs when requirements are met and desired changes are achieved

(IMPEL “*Principles of Environmental Enforcement*”)

# Compliance isn't getting any easier!



# Types of laws and regulations

- Permits...& exemptions
- Generally applied laws & regs (e.g. Duty of Care)
- Financial (e.g. carbon taxes)
- Product regulation (e.g. REACH, packaging, Eco-Design)
- Activity-based regulation (e.g. ESOS)
- Labelling (e.g. green claims)
- Location-specific (e.g. SSSIs, SPA, SAC)
- Species-specific (flora and fauna)
- Contracts

# Supply chains have become more distant...& information more immediate



...and you can't necessarily subcontract your environmental liabilities

# Principal Environmental Regulators

- Environment Agency and other national regulators in devolved administrations (SEPA, NRW, NIEA)
- Local authorities
- Natural England
- English Heritage
- Health & Safety Executive
- Marine Management Organisation

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# Regulatory Approach

The approach that regulators adopt for their regulatory activities, including compliance assessment and enforcement, generally follows the model:

- apply a set of rules
- monitor and assess compliance with the rules, and
- enforce compliance with the rules

# Principles of Enforcement

Environment Agency aims to take a “firm but fair” approach to enforcement by applying these principles:

- proportionality in the application of the law and in securing compliance
- consistency of approach
- transparency about how it operates and what those it regulates may expect
- targeting of enforcement action; and
- accountability for the enforcement action it has taken

# Identifying & managing compliance obligations

## Two approaches:

- Start with legislation and see if it applies. Not recommended!
- Start with **what you do** and see if legislation applies to it

## Start by asking simple questions:

- Is there a release to:
  - Air
  - Water
  - Waste arising
- Does it use a lot of any resource?
- Is it hazardous in any way ? (i.e. H&S)
- What about my products? (component parts, materials, in-use)

# Sources of Information

- Government  
[www.gov.uk/topic/environmental-management](http://www.gov.uk/topic/environmental-management)
- Regulators (NETREGS – NI & Scotland)
- Electronic updates & checks (e.g. Cedric, ELUS)
- Trade bodies
- Consultancies
- The Environmentalist

# Key information – Legal register

- Activity
- Regulation – be specific
- Regulator
- Description of the regulations
- Relevance to the organisation
  - Be specific on how do they apply, including standards that need to be achieved
- Level of performance that needs to be achieved
- Information needed to evaluate compliance, and frequently of compliance checks?
- Responsible person(s)
- Reference to relevant permits, licences, authorisations etc
- Review period!!!!

# Evaluating compliance performance

- Comparison of discharges against consent limits
- Audit findings - internal or external
- Regulator findings
- Environmental incidents or complaints
- Progress against the environmental management programme & objectives
- Results of the environmental monitoring programmes
- Risk assessments

Set the frequency for how often do you need to check compliance

# Compliance indicators

Use of measurements or indicators to help ensure compliance

- Reflective
- Predictive

# Consequences if things go wrong

Range of sanctions:

## **For organisations (maximum limits):**

- Tried in crown-court - unlimited
- Tried in magistrates court - £50,000

## **For individuals (maximum limits):**

- Tried in crown-court - unlimited fine and/or 5yrs imprisonment
- Tried in magistrates court - £50,000 and /or 6mths imprisonment

## **Civil Sanctions issued by the regulator**

- Fixed & variable monetary penalties, enforcement undertakings, stop-notices



# Sentencing Guidelines

- Particular attention should be paid to turnover; profit before tax; directors' remuneration, loan accounts and pension provision; and assets
- The court should remove any economic benefit the offender has derived through the commission of the offence including: avoided costs; operating savings; any gain made as a direct result of the offence
- The combination of financial orders must be sufficiently substantial to have a real economic impact which will bring home to both management and shareholders the need to improve regulatory compliance.

# Skills and capability

- Where people are involved, ensure that they know WHAT to do and WHY
  - Knowledge
  - Experience
  - Training
- For HIGH RISK areas
- Continually assess competence
- Provide refresher training

# IEMA Sustainability Skills Map

Managerial (Full)



a community of professional  
 ke the future better

you part of this community. It recognises  
 nake business future-proof while giving you the  
 an help you deliver on your sustainability  
 ; to put you ahead on ideas and innovation. You  
 d to increase your knowledge and skills in the  
 ir influence and connect with others like you  
 itioner community.

and sustainability professionals with sleeves  
 orking experts who are driving change.

:ross organisations at an operational level, and  
 iment and sustainability.

to anyone with the right competencies. It  
 ate or Associate membership and is a  
 IA membership.



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