

ANNEX C



RESPONDENT INFORMATION FORM for the Consultation on New Enforcement Measures for SEPA and the Relevant Offences Order

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Dounreay Stakeholder Group

Title Mr Ms Mrs X Miss Dr *Please tick as appropriate*

Surname

Love

Forename

June

2. Postal Address

Dounreay Stakeholder Group

Dounreay.com

Traill House, 7 Orlig Street

Thurso, Caithness

Postcode KW14 7BJ

Phone 01847 890886

Email info@dounreaystakeholdergroup.org

3. Permissions - I am responding as...

Individual / Group/Organisation
Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate Yes No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate Yes No

CONSULTATION QUESTIONS

Question 1 – SEPA’s Enforcement Approach

Are these the right aims to underpin SEPA’s enforcement approach?

Yes No

Additional comments.

Question 2 – Fixed Monetary Penalties (FMPs)

A) Do you agree with the suggested list of ‘relevant offences’ for SEPA’s use of FMPs?

Yes No

Additional comments.

B) Do you agree with the three proposed FMP levels of £300, £600 and £1000 to allocate across the range of offences identified as appropriate for fixed monetary penalties?

Yes No

Additional comments.

Question 3 – Variable Monetary Penalties (VMPs)

A) Do you agree with the suggested list of ‘relevant offences’ for SEPA’s use of VMPs?

Yes No

Additional comments.

B) Do you have any further comments on the proposed approach to calculating VMPs, based on a single generalised methodology reflecting the values for financial benefit, gravity and aggravating or mitigating factors?

Additional comment: Pollution can take place on either land or water and in most cases someone (a person or a corporate body) owns the asset. The pollution can be caused by someone completely different from the land owner and the owner may not even be aware that someone else has polluted his land. If the owner is totally unaware of pollution it would seem unfair that he/they are penalised when this matter

may not be in their control. It would be useful to understand how this proposal compares with the Environmental Agency.

Question 4 - Non-Compliance Penalties (NCPs)

Do you consider that a penalty set at a 40% uplift is a sufficient penalty for non-compliance with an undertaking offered in respect of a VMP?

Yes No

Additional comments.

Question 5 – Enforcement Undertakings (EUs)

Do you agree SEPA should look more favourably on community-focussed EUs?

Yes No

Additional comments.

Question 6 – Court Powers

Do you support the approach to relevant offences to which these new court powers and requirements apply?

Yes No

Additional comments.

Question 7 – Vicarious Liability

Do you support the approach to relevant offences to which the vicarious liability requirements apply?

Yes No

Additional comments.

Question 8 – Administration

Do you have any further comments on the proposed administration of the new enforcement measures?

Yes No

Additional comments.

Question 9 – Safeguards

Do you agree that the proposed safeguards for the new enforcement measures address the concerns raised through the previous consultation?

Yes No

Additional comments.

Question 10 – Further Comments

Do you have any further comments on how these proposals will impact on businesses, communities and the environment?

Additional comments.