

Summary

The purpose of this Consultation was to consult upon proposed amendments to the Waste Management Licensing Regulations (Northern Ireland) 2003 in order to update the options available to those who need to comply with the technical competence element of the Fit and Proper Person test. The consultation document:

- Outlines the Department's proposal to add EU Skills as an additional accredited provider of assurance of technical competence in Northern Ireland; currently in Northern Ireland, waste operators are only able to demonstrate technical competence by obtaining relevant Operator Competence Certificate(s) (OCCs) from Waste Management Industry Training & Advisory Board (WAMITAB).
- Seeks views on this proposal, and
- In addition, seeks views on whether there are any other potential organisations which could act as assessors of technical competence in Northern Ireland for the purposes of waste management licensing and/or permitting.

The consultation ran from 15 November 2021 and closed on the 10 January 2022

14 responses were received in total.

Respondent break down - 7 Public sector organisations – 7 Business organisations

The Consultation posed 2 main questions with an option to provide further comment for both questions.

Q1 - Do you agree with the proposal to add EU Skills as an assessor of technical competence, for the purposes of waste management licensing and permitting in Northern Ireland? If not please explain why. –

13 out of 14 respondents agreed with Question 1

Some respondents stated that the increase in competition, through provision of proposed additional assessment mechanism is to be welcomed, and one went further stating that stimulating the Assessors and Skills marketplace may (eventually) lead to waste operators being offered a better range of high quality services at competitive prices and also result in more efficiencies and better awareness throughout the waste industry of the competency scheme itself. By providing waste operators with flexibility and additional options around the assessment of technical competence, the most appropriate assessment model can be selected by each organisation.

One respondent noted the different approach to demonstration of technical competence adopted by EU Skills to that of the current WAMITAB Scheme and suggested this could be of concern when it comes to procurement of services. If a body needed to demonstrate value for money when procuring goods and services, this could lead to a change between accredited service providers who offer two different approaches to demonstration of technical competence and a potential question around compatibility/transferability of evidence between the WAMITAB and EU Skills providers.

It was also noted that establishing a 'Competence Management System' could require additional time and resource and that assurance that any assessment of technical competence should be proportionate with regards to the scale and likely risk associated with the waste management activity/facility in question.

One respondent stated any changes will have no benefit if DAERA are not policing and implementing the required standard. They stated that in order for standards in the industry to be maintained and deter the potential for rogue operators suitable resources should be allocated to reviewing compliance with legislation.

One respondent noted that a Competence Management System approach could require a significant resource cost and suggested it may de-skill their workforce by shifting the need for competence from an individual to an organisational level.

One respondent suggested a third option of working with NIEA to scope out and develop a tailor-made competency assurance scheme to get to the same end.

One respondent disagreed with **Q1** and argued that a qualification on paper did not necessarily equate to an operator being a "fit and proper person" in the real world.

Q2 - Are there any other bodies/organisations which would potentially be suitable to act as an assessor of technical competence in respect of waste management licensing and permitting in Northern Ireland? Please provide evidence to support any suggestions. – If 'Yes', please give further detail.

Two respondents suggested Further education colleges and similar organisations that offer vocational training could have the skills and competences necessary to develop as assessors. Engagement with this sector may help develop a wider network of assessors in future.

Two respondents suggested that applicants for a new Permit (excluding landfills, transfers and variations) should be able to demonstrate Technical Competence with or without formal qualifications under the 12 month period of grace provided by EU Skills until certification process is complete.

Two Respondents stated that although they are in support of the addition of EU Skills they would ask that DAERA monitors the costs associated with such mandatory training/skills development, to ensure that the service providers do not abuse a monopoly (or near monopoly) position.

One respondent stated that NIEA has a major role to play in policing the sector. Better internal communication within NIEA was suggested as well as checks to identify failings at an organisational level rather than over-reliance on checks on individual operator competence.

Common themes in responses

- Different approach to demonstration of technical competence adopted by EU Skills to that of the current WAMITAB Scheme and compatibility/transferability of evidence between the two providers.
This is noted. However, adding EU Skills and the Competence Management System approach simply adds an alternative approach that is available in other parts of the UK and does not remove the existing WAMITAB (now CIWM) route to competence.
- For waste operators choosing to adopt a CMS approach, may have resource implications for those businesses involved, in terms of staffing, time and cost of implementing, managing and maintaining the system.
Noted. Therefore for those considering adopting an alternative assessment route it would seem logical to include in an assessment of value for money all costs including those required by a change in accredited service provider.