

Report on	Consultation on the Assessment of Technical Competence
Date of Meeting	11 th January 2022
Reporting Officer	Mark McAdoo, Assistant Director - Environmental Services
Contact Officer	Karl McGowan, Waste Disposal and Contracts Manager

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report
1.1	To seek approval to respond to a Consultation on the Assessment of Technical Competence under the NI Waste Management Licensing and Permitting Regime.
2.0	Background
2.1	<p>The Department of Agriculture, Environment and Rural Affairs (DAERA) has published a consultation on amending options for the assessment of technical competence under the Waste Management Licensing and Permitting Regime Northern Ireland.</p> <p>The purpose of this consultation is 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:</p> <ul style="list-style-type: none"> • outlines the Department's proposal to add EU Skills as an additional accredited provider of assurance of technical competence in Northern Ireland; • seeks views on this proposal, and • 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.
3.0	Main Report
3.1	The Waste and Contaminated Land (Northern Ireland) Order 1997 (the 1997 Order), supported by a number of pieces of subordinate legislation, transposes the key requirements of the Waste Framework Directive. The requirement to protect the environment and human health was put in place by way of a number of measures including provisions that allow the Department to determine if the person controlling the waste is a fit and proper person to be doing so.

	<p>In order for someone to be considered a fit and proper person (for the purposes of holding a waste management licence and permits), amongst other things they must be technically competent. Currently in Northern Ireland, waste operators are able to demonstrate technical competence by obtaining relevant Operator Competence Certificate(s) (OCCs) from Waste Management Industry Training & Advisory Board (WAMITAB).</p> <p>The proposed changes will update the options available to waste operators in Northern Ireland on how they may demonstrate that they have acceptable qualifications and/or experience required to be considered technically competent in order to hold a licence and/or permit. It is proposed to introduce an additional accredited provider of assurance of technical competence, Energy & Utility Skills Ltd (EU Skills) who had requested the Department consider them as an alternative option for Northern Ireland waste operators. In Northern Ireland, due to how the legislation is currently drafted, having an additional accredited provider of assurance of technical competence requires an amendment to the legislation.</p>
3.2	<p>The EU Skills' Scheme uses a management system approach to assess technical competence and requires waste operators to put in place a Competence Management System (CMS). The CMS enables operators to demonstrate technically competent management of licenced activities on the basis of corporate competence and employee individual competence.</p> <p>The EU Skills CMS focuses on assessing the competence, skills, and experience of an organisation, its staff and the internal competence management systems as a whole, rather than solely assessing the technical competence of individuals.</p> <p>To assess technical competence, EU Skills' Scheme Approval Bodies audit a waste operator to determine whether they have an acceptable technical competence management system in place. After a successful audit, they will achieve certification which is valid for three years, with annual surveillance visits.</p>
3.3	<p>The Council currently has a number of Officers who have been awarded Operator Competence Certificate(s) by WAMITAB with a number of others currently progressing. They have been achieved in the operation of non-hazardous landfills and/or treatment and transfer of waste. The new proposed scheme would be of benefit to the Council as it would certify the organisation as a whole covering all of its various waste facilities under one management system. This protects the Council from being in breach of the legislation should staff members with OCC qualifications be off for a long period of time or leave the organisation.</p>
3.4	<p>The consultation document can be found using the following link:</p> <p>https://www.daera-ni.gov.uk/consultations/consultation-assessment-technical-competence-under-ni-waste-management-licensing-and-permitting</p>
3.5	<p>The consultation only asks for a response to two questions and the proposed response to be submitted is detailed below:</p>

	<ul style="list-style-type: none"> • The Council agrees with the proposal to add UK Skills as an additional accredited provider of assurance of technical competence in Northern Ireland. • The Council is not proposing any other potential organisations which could act as assessors of technical competence in Northern Ireland.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: None
	Human: None
	Risk Management: Failure to be deemed technically competent would result in the Council breaching the conditions of its various waste licences and permits.
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: None
	Rural Needs Implications: None
5.0	Recommendation(s)
5.1	Members are asked to approve a response to the consultation as outlined.
6.0	Documents Attached & References
6.1	None