

STATES OF JERSEY

Committee of Inquiry Reg's Skips Limited

TUESDAY, 9th FEBRUARY 2010

Panel:

Mr. J. Mills, C.B.E. (Chairman)
Mr. E. Trevor, M.B.E., F.R.I.C.S.
Mr. R. Huson

Clerk:

Mr. I. Clarkson (States Greffe)

Witness:

Mr. W. Le Marquand (Managing Director, WP Recycling)

Mr. J. Mills (Chairman):

Good afternoon, Sir. John Mills, pleased to meet you.

Mr. R. Huson:

I am Richard Huson.

Mr. J. Mills:

Edward, you should not get up.

Mr. E. Trevor:

I did get up in the end. How do you do?

Mr. J. Mills:

Before you sit down, could I ask you whether you would like to take an oath or affirm?

Managing Director, WP Recycling:

What is the difference?

Mr. J. Mills:

Well, there is a difference. I am not sure I am qualified to tell you what the difference is, but one implies a belief in the Almighty and the other one perhaps does not.

Managing Director, WP Recycling:

An oath is fine by me.

Mr. J. Mills:

Fine. Could you just then listen to this and just say: "I do" at the end? You swear that you will declare

the truth, the whole truth and nothing but the truth in the present proceedings before this Committee of Inquiry, which you will do without favour, hatred or partiality as you will answer to Almighty God at your peril.

Managing Director, WP Recycling:

I do.

Mr. J. Mills:

Thank you very much for coming in. Let us just introduce ourselves. My name is John Mills. I am the Chairman of the Committee of Inquiry. On my right is Mr. Richard Huson, and on my left Mr. Edward Trevor. Between us we were appointed by the States to run this committee. Could I just ask you first just to introduce yourself for the record and for the benefit of us all?

Managing Director, WP Recycling:

I am Wayne Le Marquand. I run a skip company and recycling company called WP Recycling, trading name.

Mr. J. Mills:

Thank you very much. There are a few questions we would like to ask you. This is so we get a complete picture. I hope they will not take too long. You operate at Broadlands or Mont Fallu in St. Peter?

Managing Director, WP Recycling:

Mont Fallu, St. Peter.

Mr. J. Mills:

We were quite interested to see that in relation to 2 of the planning applications that were submitted by or on behalf of Reg's Skips Limited - one back in 2002 and another one in 2005 - that you had commented on both of those to the Planning Department. We were just interested to explore with you the nature of those comments and your reasons for making those comments. I think Mr. Clarkson gave you notice that we were interested in those particular questions. So, if we could start with ... if we could start with the one back in 2002, this was when ... this was in relation to the application for the Homestead, is that ...?

Clerk:

It was Home Farm.

Mr. J. Mills:

Home Farm, thank you, and that was ... this is the pre Heatherbrae situation. You wrote to the Planning and Environment Committee on 12th September 2002 to object to that particular application by Reg's Skips Limited. I just wonder if you could explain your purpose in doing that.

Managing Director, WP Recycling:

Right. Having operated waste management for some 20 years, I am very aware of the nature of such business, that it is sometimes dirty, sometimes dusty, requires a lot of infrastructure to mitigate against pollution, and having been through many planning applications I understand the implications of having the actual infrastructure or trying to create the infrastructure. There is history of Mr. Pinel which obviously was ... was an employee of mine briefly when I bought a company called J.H. Michel & Son in 2000 where Mr. Pinel had been an employee of that company for a number of years. So obviously Mr. Pinel was well aware, the same as I was, of the infrastructure necessary to be able to run a skip company come waste management company. Fundamentally, there is a difference between as the

layman would see a skip company, is somebody that comes and delivers a skip bin to your door, you fill it up with whatever you want to put in it and then it is obviously taken away afterwards.

[15:15]

Now, the customer is not necessarily worried about what happens to the waste in the skip, so that is seen basically as a transportation service. The broader ... there are a number of companies in Jersey running skip hire operations, which basically provide what you could say is a transportation service and - when they say skip hire - the hiring of the bin while it is on the premises of the customer. The other side of ... I will come back to there are many skip companies. Now, you have various destinations in the Island where ... States-run establishments or private-run establishments that can deal with waste. First of all, if you have purely burnable waste it is taken to Bellozanne. If you have purely metal waste it is taken to the scrap yard at the top of Bellozanne. If you have purely a rubble load or ground or something similar, that is taken to La Collette, and green waste used to be taken to Crabbé and now to Bellozanne and then on to La Collette or to Warwick Farm, whatever is going to be the next destination. So there is a situation where the States provide various services for what you could call clean, segregated-type wastes. The States do not specifically provide services for what we would call mixed wastes where if you were a builder you could provide ... in a small site, for example, they cannot have enough space for 10 skips for all the different segregations that might be required, so builders traditionally would put a combination of metal, wood, cardboard, pallet boards, steel, insulation wool, plaster board, which cannot go in any one specific to any States tip, otherwise ... well, they will take it on occasions. They will levy a mixed load, or they say they will, but effectively they do not want to deal with that and have not got the manpower to deal with such. Historically, we saw many years ago the requirement of a service to work hand in hand with the States, as did a company called Reclaimait in Rue des Pres, and offered services to whoever wants services to bring mixed wastes which need to be tipped out, effectively, and segregated into the denominations I have already mentioned: burnable, green waste, cardboard, et cetera, rubble, so that that can be dealt with. So, there is an opportunity for a transportation skip company to take their waste to the States tips or to take it to private enterprise, either Reclaimait or ourselves. So, there is a depot in the east and there is a depot in the west. So, moving on to what a skip operation is, it is basically a transport operation and it is not a waste transfer station operation. The reason, coming back to your original question why I objected, is because Mr. Pinel at that time had the use of Mr. Le Ruez's land at Home Farm, primarily storing skips in an authorised area at Home Farm which A.C. Mangers had used for many years and still continued to do so, and then progressed into an agricultural field and later was stopped by Planning, as I understand. A retrospective application was put in, if I recall, where, if I remember rightly, the application was for storage of skips. Now, again, storage of skips is a very ambiguous description. Does it mean you are storing empty skips, full skips, et cetera? Either way, that is not too serious. But that description of storage of skips to my mind at that time was a smokescreen to disguise the actual intention, which was to sort mixed skips, which really does not come under the nature of running a skip business. It comes under the nature of running a waste transport and segregation business. So, the actual description, firstly, of the application was incorrect and the actual purpose described for the business was incorrect. Thirdly, of course, it was in an agricultural field. Lastly, at that time my main concern was I had 2 children at St. George's School, which is immediately adjacent to the field being requested for retrospective, and knowing the nature of the escalation that was possible if such was permitted would prove to be dusty, noisy, et cetera, I did not feel that was likely to be an appropriate position to undertake tipping of skips and sorting them out, so that was the basis of my application objection.

Mr. J. Mills:

Could you just describe your skip operation at that time at Broadlands or if it is the same now as it was then?

Managing Director, WP Recycling:

It is the same. We run up to 1,000 skips, which is a turnover maybe of, you know, 60 or 70 a day through the depot.

Mr. J. Mills:

That is mixed loads as well as ...?

Managing Director, WP Recycling:

Mixed loads, which are tipped out on to the concrete apron floor. A mixed skip, as I say, can include paint, oil, various other chemicals of unknown denomination unfortunately, the skip operator is not the person who loads the skip so he does not really know what is in the skip. The mitigation measures required are that from that run-off of your concrete area you must allow any waste that might get either directly through gravity or washed by rain to a gravity situation to an interceptor, which is like a pit, and the fluids and the oils are skimmed off to avoid polluting the water courses.

Mr. J. Mills:

Is Broadlands in the Countryside Zone or not?

Managing Director, WP Recycling:

We are in the Countryside Zone. It has been a commercial premises for 100 years and is concreted and has such mitigation measures.

Mr. J. Mills:

Okay, so that is the basis of your 2002 ... let us just deal with that first. Are there any points you want to make on that?

Mr. E. Trevor:

I have no comment on that.

Mr. R. Huson:

No, I have no comment.

Mr. J. Mills:

Okay. Can we then turn to your 2005 letter which was dated 23rd March 2005? This was a letter concerning the application which had just been made by Mr. Taylor of St. Olaves Investments on behalf of Reg's Skips for the change of use at Heatherbrae Farm. You noted in your letter that you had been in the Planning Department that day after seeing the papers and you say that you fired off a letter straight away. Could I just ask you similarly if you could just explain your reasoning on that letter?

Managing Director, WP Recycling:

Again, if I recall, the application basically said a change of use from dry storage, was it, to commercial, which again is a similar idea of smokescreen, that it does not really portray the actual intention or the degree of type of business that one is wanting to portray. I did not object to the application in principle at all. I only objected, I think, at that time to the actual wording in the application because, again, I think it was a disguise about what was happening. In fairness to the neighbours immediately adjacent, if they were not portrayed the actual possible operation effects then they may not have objected in the first place themselves. I do not know who objected, who did not.

Mr. J. Mills:

Where did you learn about the application?

Managing Director, WP Recycling:

I cannot recall. I mean, I could have been on holiday, and one has various dealings with the Planning Department, or when I came back somebody could have told me. I cannot recall where or why or how. I could have read it in the paper, I cannot really remember.

Mr. J. Mills:

Can I just press you on that a little bit? I understand completely your point that this is not a letter of objection; you are concerned about the way it was presented. Your letter was dated one day after the application was advertised in the newspaper, only one day, and this is, if I may say so, a substantive letter that ... it is not just something, you know, you whipped up in 10 seconds. So, can I just press you on that a little bit to how ... the process between the newspaper coming out after lunch the day before with this application advertised, and you then being able to be in the Planning Department that day, the following day, and you say: "I asked to see the details of the application" and then this letter was produced, all in one day. Can I just press you on that a little bit, please?

Managing Director, WP Recycling:

I cannot really answer you because I cannot recall exactly the circumstances of how I would have seen it. It was possibly in the paper. As I say, I do have various applications for different things at Planning, so I cannot really answer why or where or what the situation is. If I recall, any application that one wants to comment on, you are supposed to within 7 days, so whether it is one day or 7 days ... obviously there was not a lot of time or thinking in that, it was probably a more or less immediate response. You know, as I say, I would have read that and said: "Well, that is nonsense and that is not a fair reflection of the type of business that is being applied for." I think my letter would probably have portrayed that and I would only have said that from experience. As I say, I did not object in principle to Reg's Skips in trying to have a depot. What I was very conscious about and still I think at this time, it comes back to what I said before that a skip company running transportation can do so, if that is their primary objective, tidily and cleanly, and if I am correct in my remembering prior to this situation, Reg's Skips were operating out of the top of Beaumont Hill, another one of Mr. Le Ruez's properties, Prairie Farm, is it? To this day when Reg's Skips moved out of there, Skinner's Skips moved in and Skinner's Skips uses that property in a very tidy manner. I am sure that the panel has had no objections whatsoever. Reg's Skips was obviously not using it in such a manner because otherwise I do not understand why they were asked to move out of there. It is not part of this application but why did they have to move to Heatherbrae Farm, for example's sake? It is a question that ... why can Skinner's Skips be there storing their skips now? Why did Reg's Skips have to move out of there?

Mr. J. Mills:

Well, it might have been their commercial decision. I do not think that is on the table at the moment. But I just ... I just want to go back to this once more. You visited the Planning Department on 23rd March 2005. Your letter dated that day says: "While in the Planning Department's offices today I asked to see the details of what uses were intended on the site [this is headed "Application P.20050423"]]. However, no details were available other than a change of use from dry storage to commercial use for Reg's Skips Limited." Then you make your point about the ... Was it the case that someone in the Planning Department told you that this had been ... that this application had just arrived?

Managing Director, WP Recycling:

No, nobody ...

Mr. J. Mills:

Had you seen it in the paper the previous afternoon? Did you go home and sort of produce ... because it is a very excellent letter, this. Did you go home and sort of write it straight away when you got back from the Planning Department and put it in the post? I mean, I am just slightly surprised by the speed of

your turnaround.

Managing Director, WP Recycling:

Nobody from the Planning Department would have told me. I, as I say, might have read it in the paper, I cannot recall, but I write lots and lots of letters.

[15:30]

I am passionate about waste management. I have a lot of experience in waste management, so I know what is necessary and I know the downsides of what we do as well. So, our type of business and that of Reclaimait is one of necessary evil, possibly, to the Island. But it is a service provided for the general public and any commercial enterprise by myself and by Reclaimait. In fact, I have ... I do all the mixed skips for A.C. Maugers. They run their own skip service for their building, so for many, many years A.C. Maugers have brought their skip waste to us for segregating and recycling. Prior to that, they took it to J.H. Michel, who did a similar service at their depot at Les Gelles. Stephen Hotton used to do a mixed waste service at the bottom of Ville Emphrie by the Underground Hospital. Mark Le Quesne used to do a similar service up at Mont Mado. Most of these unfortunately were in areas just on ground with no mitigation measures and, in fact, I bought half a dozen companies and took the waste segregation out of areas like Ville Emphrie and Les Gelles, Mont Mado - Nil Solitaire from Jimmy Kent Skips up at St. Peter, Total Skips who were operating at the top of La Saline quarry and in the old abattoir site - and brought them all into one waste management area with mitigation measures. Since those days the Environment Department now obviously are coming to a likeminded situation where there are quite onerous criteria to meet in mitigation, quite correctly so. It is a very delicate subject. Waste has to be dealt with, but it has to be dealt with properly and you have to try and make as many mitigation measures as you can for noise, dust, against pollution, et cetera. It is not an easy task.

Mr. J. Mills:

Thank you. Edward, do you ...?

Mr. E. Trevor:

Firstly, you started off by saying that you objected to the application because it was for I think commercial and people did not understand what Reg's Skips Limited wanted to do. How did you decide what they were going to do? You said they were transportation experienced and not sorting. How did you know they wanted to sort?

Managing Director, WP Recycling:

How did I know they wanted to sort?

Mr. E. Trevor:

Yes, because it was not in the application.

Managing Director, WP Recycling:

Well, that is a very good question. I mean, it was common knowledge that they were sorting at Home Farm. It is common knowledge that there is a reasonable amount of one's revenue comes from sorting the waste, not necessarily in transporting it. The greater part of the revenue from running a combined operation is from sorting the waste. At Home Farm I had been aware that it was being sorted, sometimes from skip to skip, occasionally tipped, as I understand it. Just from hearsay, other people had told me that there was a lot of tipping going on, and it is an obvious and natural progression that somebody wants to run the business to maximise the revenue and to provide an all-round service, basically, not just transportation but being able to sort mixed wastes, which I can fully understand. It is the nature of my own business, so I understand exactly how the business works. So, I mean, partly

guesswork to say: “Well, look, are you sure that it is only for storage of skips?” in answer to your direct question, hence my letter to say: “Are you sure this is the description of the application that is ... is this the real intention?” I was being sceptical, if you like.

Mr. E. Trevor:

So it could be said that you put in your objection on the basis of something you thought might happen, not something you knew would happen?

Managing Director, WP Recycling:

Yes, I would say so, and I think probably since that day obviously my scepticism has probably come true in this instance, that things were happening which would not have been reflected in the pure description of commercial use.

Mr. E. Trevor:

Other than Mr. Pinel do you know or did you then know any of the other parties involved in this dispute?

Managing Director, WP Recycling:

I know Mr. Taylor who is the owner, I believe, of Heatherbrae Farm. I do not know the people from the house, never heard of those before. I could not even tell you their names. I have not personally got any problem with Mr. Pinel doing what he does. We are in competition. I believe, you know, he is doing what he does and we do what we do. We do a very good job. We get paid for doing what we do. My actual belief is that it is not necessary for Mr. Pinel to have necessarily gone to a premises with the intention of sorting mixed waste when he had the possibility to take it to Reclaimait or to ourselves. There were services available to him, as they are to A.C. Mauger; Skinner’s Skips bring their mixed waste to us, Fill-A-Skip, ALG Skips. I have made the offer to Mr. Pinel before that he can bring his waste to us and I would charge him the same commercial tariff I would charge other companies. There is no reason why I would not accept his waste. My business is there to deal with waste and I charge accordingly to segregate it and do the service which is necessary, the same as Reclaimait do. They will take your waste; they will charge you for segregating it. So, there is an opportunity. So, again, on that basis my scepticism of what was happening was that this is likely ... it is not just an application for storing skips. It is an application to sort mixed wastes. There is probably an element to say as 2 of us are doing it already, do we need a third person doing it? I think I would be hypocritical to say that there is not an element of that in one’s thinking, but my honest belief is that it is not a necessity and I ... right from the start I think the fundamentals of the problem about what has happened here is that if you want to start a skip business in Jersey, as Mr. Pinel did back in the early 2000s, first of all you should ensure that you have a depot to run from; (2) that you have servicing for your vehicles; and (3) you have to identify what is the objective of your business. Is it just purely a transport business or is one’s intention to find a field to operate from, sort mixed skips unofficially or illegally, and then once the problem has reared its head say: “Poor old me, look, help me out.” You know, that is how I see the situation. I do not see that the Island or the Planning Department should be blamed, as I have read, for saying: “There is a property that might suit you”, if that is my correct understanding of what has been said, because if the problem had not been created by Mr. Pinel in the first place in trying to run a business from unauthorised premises, then there would be no problem at all. I do not think one can blame Planning in this situation to say: “Look, there is a problem now which has been created. We have to sort this out. We have to find premises.” You know, where did the problem originate is the way I see it. So, on that basis, I would say that the problem was created by himself, by Mr. Pinel, in setting up a business which he had no permissions to do so and then saying: “Well, look, this is not fair.”

Mr. E. Trevor:

Have you not just said to us that what you would like to do is to restrict any competition to yourself and unless people bring the waste to you, you will object?

Managing Director, WP Recycling:

No. That is not what I said at all.

Mr. E. Trevor:

That is what you did say.

Managing Director, WP Recycling:

No, no, I said it is naturally ... obviously you do not want other people starting up necessarily doing what you do, that is a natural thing, but no, Reclaimait do the same business as I do. I have no objections at all to Reclaimait. I have no objections to Mr. Pinel doing what he wants to do. My stated objections are is the actual description of what has been applied for the correct description, and if it is ... I have no objection at all to Mr. Pinel doing whatever he wants to do as long as he has gone and obtained the correct permissions.

Mr. E. Trevor:

What you said to us a few minutes ago was that you had said to him that he could store the stuff and bring it to you and you would charge him the commercial rate you charged everybody else. Is that not trying to restrict competition?

Managing Director, WP Recycling:

No, because what we do with commercial wastes is we would give a retail rate, as most retailers do, and there would be a trade rate which allows a margin for those people in business ... gives them a margin. So we will have a trade rate, say, of, for example, £80 for the public rate and the trade rate would be £70. We would expect that the other skip company who has used our services would charge the £80 to the customer. I think that is pretty general practice whether you buy plumbing supplies or if you go in and buy a pipe as a public person, you are going to pay more money than the tradesman is likely to pay, and the tradesman in turn will probably charge you out his retail price. We run a business on the same principles as any other business. We try to provide a service in a professional manner, which has historically been operating for a number of years. If somebody goes down the correct routes and does whatever they want to do, I have no objections at all. My objection was, as I say, returning to that, is this commercial use being described properly, being cynical, knowing that the intention was to sort mixed wastes. The problem with sorting mixed waste is that it creates an element of noise, an element of dust, and an element of other annoyances to anybody close by.

Mr. E. Trevor:

Finally from me, do you look into and comment on all commercial planning applications or was it just luck that you looked at this one?

Managing Director, WP Recycling:

Commercial applications in what respect, Sir?

Mr. E. Trevor:

Planning applications. You said that this was commercial and you thought it was not a normal commercial when you opened.

Managing Director, WP Recycling:

I would look ... I look at the applications, yes, Sir, in the paper. I do not see ... I have not seen any other skip applications from other companies to sort mixed wastes in a description of change of use to commercial use. I do not object to every application. In fact, I believe that Mr. Pinel has applied to store skips at the old animal disposal waste below La Saline quarry. Now, you will note there is no comment or application or anything from myself whatsoever because I am almost certain that being that it is States land - and I am not cynical in this situation - and it says: "Store skips", the States would not be allowing sorting of mixed skips on the headland below La Saline because if one was to do such a thing you would probably have a lot of flyaway materials, et cetera.

[15:45]

If it is purely to store empty skips, that is another matter. To answer your question, no, I do not complain about every application because I have not complained about that one. I do not see any reason to complain about it.

Mr. E. Trevor:

Okay, thank you.

Mr. R. Huson:

I would like to go right back to the very beginning of your business at Broadlands and get an exact sort of chronology of how you started and when you started.

Managing Director, WP Recycling:

My grandfather's diary started in 1906 as haulers and various other businesses, farming, et cetera, which was a grand diary. Unfortunately, it got burnt in the fire we had so I have not got that to hand. Obviously, the nature of hauling and those things has progressed over the years and changed and diversified. My father used to, among other businesses, used to do farming, pig farming, cattle farming, haulage with lorries, water tankers, JCBs as well as run a coach company, hire car company, taxi company ...

Mr. R. Huson:

This was all done from Broadlands, was it?

Managing Director, WP Recycling:

All done from Broadlands. Broadlands is a very large site.

Mr. R. Huson:

I am not familiar with it at all.

Managing Director, WP Recycling:

So, the premises have a history of commercial and haulage and waste and bits and pieces well before my time, and things have diversified over a period of years. We have made various applications to Planning ourselves and have had to work to ensure mitigation measures are created to be able to undertake the businesses that we do.

Mr. R. Huson:

When did you yourself take over the business? I presume you took over from your father, did you?

Managing Director, WP Recycling:

Yes. I worked within the business obviously from about 15 years old and obviously got involved on the mechanical side of many things even younger than that. That has always been a hobby of mine, mechanicals and machines and ... Then my father died when I was 25, but I helped him to run the business probably from the ages of sort of 19 or 20 in a pretty major role at that time.

Mr. R. Huson:

Okay. So, tell me exactly what the business W.P. Le Marquand or whatever you want to call it then, exactly what it was doing when you took over.

Managing Director, WP Recycling:

Basically, an element of all the businesses I have said.

Mr. R. Huson:

So you are still doing hire cars, coaches, haulage ...?

Managing Director, WP Recycling:

Hire cars. Not coaches. We also have a horse trekking business. I did not have any pigs at that time, because we had 600 pigs at one time around the farm as well.

Mr. R. Huson:

But then you also had this guesthouse on the site as well, did you not?

Managing Director, WP Recycling:

A guesthouse on the site.

Mr. R. Huson:

Right, okay.

Managing Director, WP Recycling:

As I say, lorries, JCBs, you know, so many ...

Mr. R. Huson:

General plant.

Managing Director, WP Recycling:

Just general, and of course this was run by my father as a proprietor, they were not limited companies at that time, so it was ... the whole nature of running the businesses has changed into being incorporated businesses and what have you.

Mr. R. Huson:

Okay. So, is it fair ... does your business ... would it fall into this pre-19 whatever it is law that you do not have to have a permission?

Managing Director, WP Recycling:

Was it ...

Mr. R. Huson:

You know like this land that was at the top of Beaumont Hill had a pre ... was it ...?

Mr. J. Mills:

Well, the issue is whether a permission is needed for Mr. Le Marquand's activities if it had been in

existence before 1964.

Mr. R. Huson:

So obviously your business was well in existence before 1964? This is turn of the century.

Managing Director, WP Recycling:

My business was my father's business and my grandfather's business before him.

Mr. R. Huson:

Yes, turn of the century almost.

Managing Director, WP Recycling:

So, but saying that, we went through various protocols with Planning and obviously ... what do they call it ... regularised some of the things we did not ...

Mr. R. Huson:

But when did you first have to have this ... how did this get flagged up and when did you first have to get some sort of permission from Planning to be doing whatever you were doing in 19 whatever it was? Did they come to you or how did it work out?

Managing Director, WP Recycling:

In around the early 1990s it was well recognised that we had taken quite a lot of ... although we were doing waste ourselves, that the likes of Stephen Hotton, as I say, we took that out of Ville Emphrie, which was right next to a stream, et cetera, and so those were seen as being of benefit to the Island and being an extension of what we were already doing. The whole ...

Mr. R. Huson:

So did Planning come to you and say: "Hey, Mr. Le Marquand, you have bought these other companies now, Stephen Hotton and Co. We think we need to bring this all under one umbrella"?

Managing Director, WP Recycling:

In part. I mean, Gerald Bisson, for example's sake, at that time was the enforcement officer and I think he, for example's sake when we come back to the bottom of Ville Emphrie, had had a lot of trouble with Mr. Hotton at that time and was very thankful of the situation that we were doing it in a professional manner on a hard surface with mitigation measures and that it was an extension to what we were already doing. I do not think in those days ... and waste and recycling and everything is really ... in the context is much more of a modern thing. I mean, at one time there was no actual tip in Jersey as such. People dealt with their own waste, buried it in their own gardens. Half of St. Ouen's Bay was then turned into a rubbish tip.

Mr. R. Huson:

Well, Len Moon used to operate there, did he not?

Managing Director, WP Recycling:

Opposite Len Moon's. You know, obviously it was not seen that waste was a problem in those days. It is a more modern thinking that waste should be dealt with properly; it should be recycled; one should mitigate against pollution, and this is the modern world we are living in. I would say that in the last 15 or 20 years it has changed dramatically ...

Mr. R. Huson:

Oh, I agree with you.

Managing Director, WP Recycling:

... and the whole attitudes to waste has changed ...

Mr. R. Huson:

Dramatically.

Managing Director, WP Recycling:

... dramatically.

Mr. R. Huson:

Okay.

Managing Director, WP Recycling:

Prior to that, waste was not really seen as a problem.

Mr. R. Huson:

Right. So you obviously ... as a businessman, you obviously saw this opportunity to process these materials and then to re-sell them back to builders for rubble and what have you. As a businessman you saw that opportunity?

Managing Director, WP Recycling:

I naturally have always been interested in taking something which is waste and doing something with it that is worthwhile.

Mr. R. Huson:

Turning it into something profitable, yes.

Managing Director, WP Recycling:

I enjoy that.

Mr. R. Huson:

Yes, there is nothing wrong with that.

Managing Director, WP Recycling:

That is my nature, I think.

Mr. R. Huson:

Yes, I do not have a problem with that. But you saw it as an opportunity, and so did these other people, Hotton and Total Skips and all these, and then Reclaimait. But obviously because you had quite large premises ... I mean, I am not familiar with Reclaimait. Where are they?

Managing Director, WP Recycling:

In Rue des Pres.

Mr. R. Huson:

Yes, but whereabouts in Rue des Pres?

Managing Director, WP Recycling:

If you drove right down to Rue des Pres, turn right and then you will come across the post office ...

Mr. R. Huson:

That is right.

Managing Director, WP Recycling:

You come back up from the post office and ... I am not very good at Rue des Pres, but if you came away from the post office Reclaimait would be on the left.

Mr. R. Huson:

So it is next to the post office building?

Managing Director, WP Recycling:

It is further up from there. If you looked at the back of Reclaimait you would be looking out on Checkers superstore. I am not ... I hardly ever go in Rue des Pres.

Mr. R. Huson:

So, as I say, I am not familiar with your site but obviously Rue des Pres is not a very big area, probably not what I can imagine you have got at your place. How do they get away with having a similar sort of operation there?

Managing Director, WP Recycling:

No, you would be correct. In fact, that is probably one of the reasons our business has been successful because the demand has increased for the type of business we do. One, you are quite right, Reclaimait probably cannot handle ... they could not handle ...

Mr. R. Huson:

The volumes?

Managing Director, WP Recycling:

... the volume of everything. We have a bigger premises than they do, you are correct in that assumption. The nature of this type of business is that if you do handle it, it all depends how quickly you segregate and you redistribute the segregated products. If you are super-efficient you have got nothing left on site: it has come in, it has gone out. So, it is ...

Mr. R. Huson:

Okay. So then, when this States policy, this waste management policy came in, obviously Reclaimait saw this as really ... you know, a golden opportunity to take your business even further. Do you feel that if they had not have brought that ... or do you feel that perhaps, since they brought that policy in, that they almost forced skip operators to go down this route of trying to ... not just being a transportation service but they almost had to offer this service of sorting waste management as well? Because the States has sort of forced it upon them because they could not take it to the main tip anymore.

Managing Director, WP Recycling:

No, I do not think that is necessarily true. For example's sake, in England you could run a skip company, and then you have what you call waste transfer stations, the actual technical name for a place where waste is sorted, segregated and then transferred back out to wherever it needs to go or recycled in-house or whatever. Yes, the necessity has grown with recycling directive, i.e. Bellozanne, including in a burnable load, will not now take a lot more cardboard. You cannot have a quantity of cardboard in with a burnable load because they say ...

Mr. R. Huson:

No, it has to be sorted, it has to be recycled.

Managing Director, WP Recycling:

Because that is seen as a recycling protocol, that the customer or the builder should have made provision to have dealt with his cardboard. So, if he has not and he has put it in a skip then it becomes not just burnable, it becomes mixed so it has to be tipped out and sorted.

Mr. R. Huson:

It becomes a mixed load.

Managing Director, WP Recycling:

So, the criteria of what has become mixed has become more onerous, so this is true. The success of a business of what we do, for example, or, say, what Reclaimait do, if you like, has been foresight on our part many, many years ago. I do not sort of ... I do not have any blame for having foresight and saying: "I am going to put the infrastructure in to deal with this."

Mr. R. Huson:

No, I do not have a problem with that, but what I am trying to say is I think it has been driven ... obviously you have a very great understanding, but what I am trying to get at is that I feel the States policy has driven a lot of these small operators to try and do the same thing, albeit on a smaller scale, and I do not think you can blame them for trying to do it.

Managing Director, WP Recycling:

No, I do not blame them at all, no.

Mr. R. Huson:

Because, I mean, it is States policy to try and manage the waste better and recycle.

Managing Director, WP Recycling:

Well, the policy was there well before. For example's sake, I am going back to Stephen Hotton's time when he was probably the major skip operator, and we are going back into the 1950s. So, it is not really ...

Mr. R. Huson:

Something that new?

Managing Director, WP Recycling:

It is not something brand new, and somebody of Mr. Pinel's experience understands fully well that if he wants to run a skip hire company it will involve 2 facets: one is running a transportation company with the infrastructure that needs, usually parking, garaging, servicing, being able to clean your vehicles, et cetera; and (2) dealing with the waste. You know you need to have an area to deal with the waste if you want to deal with it.

Mr. R. Huson:

He did have the chance before to either take it to Abbey Plant or take it to the States tip. To me it seems that once the States tip said: "No, we do not want to take it anymore", you know, they were left with the option of either taking it to yourself or do it themselves, really. The choices were much more limited.

Managing Director, WP Recycling:

Well, the criteria of mixed waste has not necessarily happened from 2000. Mixed waste was about 10 or 15 years before that. So it is not something that has been forced on after Mr. Pinel has started his business. That was the situation before.

[16:00]

So, if you want to make it categorically clear, if Mr. Pinel was starting the business he knew fine well at that time that the transportation side was one side and the sorting of waste would be a necessity if he wanted to run such a business and he would either have to take it to ourselves or Reclaimait or the States tips if it was segregated, or he would have to do it himself.

Mr. R. Huson:

Right, okay.

Managing Director, WP Recycling:

My belief is that he has chosen to try and do it himself in unauthorised areas and then retrospectively obviously asked to do permission.

Mr. R. Huson:

Okay, I understand your objection to the way it was worded. That is fair comment. Okay. I do not have any further questions.

Mr. J. Mills:

Just a couple more questions, then. That explanation was very interesting, I enjoyed listening to that. You said a little while ago that when you wrote the letter about the Heatherbrae application in 2005 you said that you knew the intention was to sort the mixed waste. Just before that you said that you knew that Reg's Skips had been sorting mixed waste at Home Farm, and this follows from what you have just been saying in general terms about the way that the mixed waste policy has developed. What did you ... presumably this was the same at La Prairie, was it? This was the place that Reg's Skips were immediately before going to Heatherbrae.

Managing Director, WP Recycling:

Yes, if one wanted to take a direct example about what is happening now, Skinner's Skips ...

Mr. J. Mills:

Well, I am thinking about what happened then.

Managing Director, WP Recycling:

Well, I am just saying if you took a direct example of what Skinner's Skips do now, I mean, if you drive up there any time, and probably you have already done that, you will see they are all neatly and tidily stored. Now, at Mr. Pinel's time there would be full skips there of various denominations. Some sorting I believe was done from skip to skip, not so much tipped on the floor in that area, but then you have the blowaway, flyaway situation of materials, et cetera.

Mr. J. Mills:

So the sorting was going on, in other words?

Managing Director, WP Recycling:

Well, sorting, and it is nearly impossible to do it correctly from skip to skip. If you have a mixture of nails and plasterboard and metal, you cannot do it that way. You can have a household type of skip where you can have a wardrobe and an armchair and a lawn mower and what have you, where they are larger items which are not tangled together. It is possible in that scenario.

Mr. J. Mills:

So you need to tip it on the ground and then you can ...

Managing Director, WP Recycling:

No, no, to actually ... you would take the lawn mower and put it into the metal skip, and you would take the wardrobe out and put it into the burnable, and you would take the garden waste ...

Mr. J. Mills:

What you are saying is the best way to do it is you tip the thing out, then you have 5 or 6 skips of different types of material?

Managing Director, WP Recycling:

When you have severely mixed skips it is the only way.

Mr. J. Mills:

Yes. Do you sort ... when you do this, because you have a bigger operation obviously, when you do it like that, you do it mechanically, by hand? I mean, how do you physically do it if you have half a dozen skips?

Managing Director, WP Recycling:

There is always an element of manual picking because, you know, a hand can be more specific. Although we employ obviously a mechanical grab type of arrangement, so it is tipped out, you grab the larger items, the smaller items, if you have a lot of wood and plastic in rubble, it has to be picked up by hand. You cannot pick it up with an excavator or grab it . There is a substantial element by hand.

Mr. J. Mills:

Okay, that is helpful. A final question, just for the avoidance of doubt, I just want to go back to one question Mr. Trevor asked you. That is about whether you were acquainted with any of the players in this. Can I just ask you again, just for the avoidance of doubt, I did not quite ... I do not think I quite fully got your answer. Were you or are you acquainted with any of those complainants apropos Heatherbrae Farm, the people who lived in the vicinity who complained? Do you know them or have you met them or ...?

Managing Director, WP Recycling:

Not whatsoever. I was not really interested in their complaints. The whole subject of Heatherbrae Farm has been nothing to do with me. I have not been interested. I mean, one has taken notice of what has happened, and in many ways my letter ... I could turn round and say: "Well, I told you so." So, you know ...

Mr. J. Mills:

Okay. We hear what you say. Thank you.

Managing Director, WP Recycling:

I was sceptical and I believe I was proved correct in this instance.

Mr. J. Mills:

Okay. Thank you. Thank you very much for your helpful answers. We have learned quite a bit.

Managing Director, WP Recycling:

Thank you.

Mr. J. Mills:

I think that draws our proceedings to a close.

[16:05]