

# STATES OF JERSEY

## Committee of Inquiry: Reg's Skips Limited – Planning Applications

FRIDAY, 19th FEBRUARY 2010

**Panel:**

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

**Witnesses:**

Mr. and Mrs. R. Pinel, representing Reg's Skips Limited

**In attendance:**

Mr. I. Clarkson (States Greffe)

[16:35]

**Mr. J. Mills (Chairman):**

If you could just say "I do" in response to the oath. Do 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?

**Mrs. R. Pinel:**

I do.

**Mr. R. Pinel:**

I do.

**Mr. J. Mills:**

Thank you for coming back to the witness table, Mr. and Mrs. Pinel. You know, I think, Mr. Trevor and Mr. Huson and myself, and I know you have been listening to the proceedings as they have gone along. I was keen that you came back to us, because as I said to Mr. Taylor a little while ago, our first session really took the sort of events up to the granting of the planning application at Heatherbrae Farm, and we are now trying to look further ahead over this next period. The period I think we are mostly interested is the year or so after that, or 2 years maybe, which led up to the issuing of the enforcement notice and its withdrawal, so that takes us to the early part of 2007. I think we are keen to have your side of the story, so to speak, and that is important for the record, and perhaps you could just spend a little time just taking us briefly through the main things that happened, as you saw them, and the main issues that arose, and that will, I think, open up some lines of questioning. So you have arrived at Heatherbrae Farm and you have given up the other place and you have started going there, and I think that is where we want to just pick up the story, in a sort of overview manner, if that is all right.

**Mrs. R. Pinel:**

I will just have a quick look at some of my notes, because I think that Mr. Taylor has explained a lot of

points that I would have made, but I can perhaps help you there with clarifying some of the points that Mr. Taylor was not quite clear on.

**Mr. J. Mills:**

Perhaps we can start with the point that we raised with Mr. Taylor, which was the question of the so-called appeal, or the request for reconsideration, as it came to be. Can you just describe how that came about once you were established at Heatherbrae Farm?

**Mrs. R. Pinel:**

I was just looking at the notes that I have made before we came in, where they would fit in and what I was going to explain to you. The application that Mr. Taylor was talking about, that was never an application that was made. It came about because after Mr. Porter's first visit to Heatherbrae Farm on 8th May - which was the first that we knew that there was a problem with our business at Heatherbrae that was a problem to Mr. and Mrs. Yates - that was the day before Liberation Day. So we were invited by Mr. Porter to go up to the planning offices on 10th May to meet with him and discuss the complaint from this neighbour, who we did not know at the time was Mr. and Mrs. Yates. Mr. Porter told us, after having explained to us what the complaint was from this neighbour, that if we were to send in a letter describing everything about how we operated at Heatherbrae Farm to the Minister of Planning, to Senator Cohen, that it would then be taken out of his hands, he would have nothing further to do with it, that it would be in the hands of the Minister, which was what we did. But we thought that as it was ... we saw it as quite a serious situation to be in, so we asked our advocate, Adam Clarke, if he would draft the letter for us, explaining to him what we needed to do. Unfortunately, he made the mistake of sending the first letter that he drafted to Senator Cohen at his home in St. John, and of course being a planning matter, Senator Cohen immediately returned it to Advocate Clarke and advised him that it should be sent to the planning department, which Advocate Clarke did. He amended the address and it was subsequently sent to Planning. Unfortunately, unbeknown to us at the time, when he asked us to do this letter, Mr. Porter, we believed what he was saying, that it was going to go to the Minister, but we now know - and we did not know when we went to our first court hearing with Mr. Yates - that a short time after we left his office on that day, on 10th May, that he had immediately contacted by email Mr. Yates and advised him of what was going to happen, that we had been asked to do this letter and that as soon as he received it, he would advise Mr. Yates that it was in and what he should do. That letter from Advocate Clarke was used, because Advocate Clarke described basically where we had gone wrong, that we had a machine. Well, we had not gone wrong, because we had a machine which we had not been told we could not have and we had not been told we could have. As you know from our permit, the machine was never mentioned, and that our hours, if possible, we would like to be able to have the same hours as the other people operating in our type of business on the Island, but it was never requested that any application should be submitted for reconsideration, but on the basis of that letter, an application was submitted by the Planning Department. It was advertised in the evening paper, and as Mr. Taylor said, nobody ever signed. When I say "nobody", Mr. Taylor as the landowner and landlord was never approached to sign a planning application for reconsideration and Reg and myself were never approached, and it would not have been our place to sign it anyway. It would have been Mr. Taylor, and no money exchanged hands, which you normally have to pay for planning applications. They also had, and I looked the application up on the website. They had Advocate Clarke as the agent, because Advocate Clarke had written the letter.

[16:45]

**Mr. R. Pinel:**

Then it changed.

**Mrs. R. Pinel:**

Then it changed. For some reason, I know Advocate Clarke was off because his father was very ill and subsequently he passed away, and it was during that time that another advocate stood in for Adam, Lindsay Edwards. They changed the agent as being Lindsay Edwards; they took Adam Clark's name off and replaced it with Lindsay Edwards, and that is how it stands today. It is still on the website, and it still has Lindsay Edwards as the agent. That was the basis of that planning application which never was a planning application. Mr. Yates was invited to object or to raise his objections and to get his neighbours to raise their objections as well, so there were a few letters went into Planning for the application in the neighbouring area.

**Mr. J. Mills:**

Yes, that is a very key point: Mr. Clarkson, we must have this clarified to the utmost, please.

**Mr. I. Clarkson:**

Yes, understood.

**Mr. J. Mills:**

I will leave that in your hands. We need to know exactly what process the Planning Department instituted and by what lawful authority they did whatever it was they did. Sorry, please continue.

**Mrs. R. Pinel:**

Okay, so we shall go back to when we moved into Heatherbrae in July 2005. It was a dream come true, was it not ...

**Mr. R. Pinel:**

It was.

**Mrs. R. Pinel:**

... after where we had been. Home Farm, St. Peter was a good start, it was a nice yard, a nice size, but we did not have anything other than an outside area to work from, we did not have a shed. Then of course having to move over to the top of Beaumont was a step backwards. We were in a worse situation over there, because not only did we not have a shed to store anything in, but our outside area had lessened in size, and as you know we were very cramped over there. So when we moved into Heatherbrae, it was perfect. We had a lovely outside area that was walled around on 3 sides. We were on concrete, which we were later to learn was to our advantage with this new waste management licence, the Waste Management Law to sort mixed loads said you should be on concrete, and we had a lovely sized shed for our spares and also for our staff when they came in with the lorries, and staff onsite. The one staff onsite had somewhere to be able to sit down during their rest periods, to make a cup of coffee and to generally socialise when they had a bit of free time, and it was perfect. So we worked as we had been doing before and we were able to do all our own work now and not have to farm any out to Abbey Plant, and things were just exactly that, they were running perfectly for 9 to 10 months, until May 2006 when Mr. Porter arrived on the scene, and that was the first we knew that there was a problem. I really cannot understand that as a neighbour, Mr. and Mrs. Yates as neighbours to Heatherbrae, that they felt they had a problem with us being there, but that it had taken them ... first of all, that it had taken them so long to realise that we were making a noise that was annoying them, and that they did not come and see us, that neither Mr. or Mrs. Yates approached us to just ask, you know, to say that our operation was causing them problems or to explain to us how they felt about us being there or to see if there was anything that we could do to sort the problem out. They did not approach Mr. Taylor either, who is the landowner and the landlord. It seemed very extreme to me. You know, you cannot ever account for the way people react to situations, but I found it very extreme that they would call in - or they called in already - people from Environmental Health. Mr. Binet had visited in April 2006 to their house; Mr. Porter, Mike Porter. Who else was there that we read that they had had up

there? Oh, Mrs. Ashworth, she was Ms. Clapshaw then. So they were discussing and the storm clouds were gathering months before we knew that they had a problem with us. As I say, the first we knew about it was when Mike Porter turned up on the afternoon of 8th May 2006.

**Mr. J. Mills:**

I think you make the point very well, thank you very much. Can we just jump forward a few months now? Obviously there was this process that we have heard about over the summer months of 2006, and then the report was produced by planning, to which Mr. Taylor has referred, and that was followed a week or 2 weeks later by the Minister's visit to the site. You were present when the Minister ...

**Mrs. R. Pinel:**

Yes.

**Mr. R. Pinel:**

Yes.

**Mrs. R. Pinel:**

That was on 21st September.

**Mr. J. Mills:**

Can you just from your perspective, your recollection, describe the meeting and how you felt and what you perceived the Minister's views that were being expressed and so forth?

**Mr. R. Pinel:**

Well, Mr. Taylor said before that what the Minister said was, and he was absolutely right ... Senator Cohen got out of his car and said: "We are dealing with a moaner here."

**Mrs. R. Pinel:**

"We must find a solution."

**Mr. R. Pinel:**

"We must find a solution." I think the chap he was referring to from the environment was Mr. Pritchard. It was not Mr. Smith.

**Mr. J. Mills:**

Yes, thank you.

**Mr. R. Pinel:**

Then about 10 minutes through the meeting, Mrs. Ashworth's mobile phone went off and she just walked a few paces away, took it and came back and she said: "Oh, that was Advocate Yates." So I do not know of many people who have a planning officer's mobile phone number. Normally you have to go through other channels, but this Advocate Yates certainly had the number, and then I think Mr. Taylor told you everything that happened at the meeting. The Minister was going to go away and think for 3 months, give us 3 months to do ... which we could have used our digger to sort and mix loads, and we did not. We said no, we would continue as we were doing, and then next thing we were called up to the Planning Department after Christmas.

**Mr. J. Mills:**

So after the meeting where he said: "We are going to wait 3 months" and so forth, you then had sort of no contact from planning until the day you went with Mr. Taylor and Mr. Clarke?

**Mr. R. Pinel:**

No. Mr. Porter phoned that same afternoon.

**Mr. J. Mills:**

After the Minister's ... oh, right, okay.

**Mr. R. Pinel:**

After that meeting. He spoke to Rita and he said: "How do you think the meeting went this morning?" and Rita said: "Well, we thought it went very well" and Mr. Porter said: "Well, I do not think it went very well. I was expecting you to be closed down" and that was the words to you, was it not?

**Mr. J. Mills:**

Just repeat that, he said ...?

**Mrs. R. Pinel:**

Yes. As Reg said, we were surprised that Mrs. Ashworth's call on her mobile was from Mr. Yates. He wanted to know how much longer were they going to be, because he was waiting at his house. He wanted them to go to visit him after they had ... I mean, it was a site visit for us by the Minister for Planning, and he was waiting for them to go and see him, and Senator Cohen would not go. He said: "No, I am here to have a site visit for Reg's Skips to see what the problem is and if we can find a solution, and I am not going visiting the neighbours. I am going back to the office."

**Mr. J. Mills:**

So, sorry, Mrs. Ashworth's phone went?

**Mrs. R. Pinel:**

Her mobile.

**Mr. J. Mills:**

She walked a few paces away?

**Mrs. R. Pinel:**

To take her conversation.

**Mr. J. Mills:**

Did you overhear this or did she come back and say that it was Mr. Yates on the phone?

**Mrs. R. Pinel:**

Yes, she told Senator Cohen.

**Mr. J. Mills:**

You were all in the same ...

**Mr. R. Pinel:**

In a circle, yes.

**Mr. J. Mills:**

Yes, right. That is when Mr. Cohen said what you just said: "I am here for the site visit."

**Mrs. R. Pinel:**

Yes. Well, it was almost the end of the site meeting and we sort of moved away from the circle and

started moving, but Senator Cohen was moving back towards his car and he said ... Mrs. Ashworth said: "Are you coming over to Mr. Yates'?" to Advocate Yates. She referred to him, and he said: "No."

**Mr. J. Mills:**

Right. So then he left?

**Mrs. R. Pinel:**

"I am here for ..." what I just said: "and I am going back to the office and I will see you back there."

**Mr. J. Mills:**

So Mr. Cohen got in his car and left?

**Mrs. R. Pinel:**

Left. Mr. Porter was also at the site meeting and he went with Mrs. Ashworth then over to Advocate Yates'.

**Mr. J. Mills:**

Okay, thank you. Can we stop a second? Are there any points to clarify there, Edward or Richard?

**Mr. R. Huson:**

No.

**Mr. E. Trevor:**

No.

**Mrs. R. Pinel:**

As I say - as Reg was saying - Senator Cohen gave us 3 months to see what we could do to try and sort this problem out, and as Mr. Taylor has explained, we put cladding around the chains on the lorries to stop them, you know, when they knock against the bin, to prevent any noise with metal against metal.

**Mr. R. Pinel:**

Mr. Taylor paid for the driveway.

**Mrs. R. Pinel:**

The whole of the complex was brick-paved at great expense to Mr. Taylor, but it did improve things greatly with regard to any noise from the lorries coming in. In fact, one day we were standing in front of our shed and one of the lorries, since it had been paved, had come in and we did not know he was onsite until he turned the corner and came in front of the building between our sorting area and the shed, that he was onsite because things had improved so much. But it was quite obvious from things that went on and from emails that I have read that went between Mr. Porter and Advocate Yates, and also from Advocate Yates' lawyer, Mr. O'Connell from Applebys that they did not want a solution. Everything we tried they objected to, and I think I have written here that we found Mrs. Yates being behind their fence up on a stepladder taking photographs of our men working, and employing the services of a private detective, who sadly has passed away, the late David Watkins. A very extreme approach to something we considered a minor problem that could easily have been rectified. But as was to become apparent, Mr. and Mrs. Yates did not want to find a solution. They wanted us closed down or to reduce our activities to such a level that the business would not have survived. So it was during that period, from Senator Cohen's site visit to the end of the year that we were trying to make these ...

[17:00]

**Mr. R. Pinel:**

Adjustments.

**Mrs. R. Pinel:**

... adjustments to find a solution, but then, as you know, we were called. We had a call to go up to the Planning Offices on 10th January 2007, where we were served this Enforcement Notice.

**Mr. J. Mills:**

You had had no warning of that?

**Mrs. R. Pinel:**

No. Mr. Porter's phone call to make that appointment for us to go up that evening was that he and Elizabeth would like us to come up so that they could explain to us at the end of this 3-month period what the Minister had decided, and there was no mention of an Enforcement Notice being served. Why I decided to ask Adam Clarke to come with us, I do not know, but I am certainly pleased that we did, in light of what was to take place.

**Mr. J. Mills:**

When did Mr. Porter phone you to make the appointment for 10th January, a day or 2 before?

**Mrs. R. Pinel:**

I would say yes. It must have been at least a day before, so as to give me time to arrange with Adam to come up. What I could not understand, and I did ask Mike Porter at the time, was when he read through the enforcement notice to us that everything that was in it was everything that he had asked us to do or not to do when we first met with him on 10th May 2006, and he had assured us that if we abided by everything that was in ... that he had asked us to do that there would be no further problems. He said words to the effect of: "Please do not give me cause to have to take further action against you, [that] you know, I do not want to have to do that." So we did. We followed every instruction that he gave us to the word. We stopped using our machine with immediate effect, which we find out later that we did not need to do, because he did not have the powers at that time to stop us from using our machine, and he has put that in an email - one of his emails - to Mark Yates. He could not really give us an explanation as to why we were now being issued with this Enforcement Notice for exactly the same reasons as he had given us back in May 2006. At the time, I did not realise, but since this inquiry has started and more recently, I heard that at the time that this notice was served on us that he did not have the powers to sign it. Those powers had not yet been delegated to ... well, he still does not, I believe, but he is not there now anyway, but another person in his position, so the one who replaced him - for instance, Keith Bray - does not have the powers to sign an Enforcement Notice. We have had another one served on us, unfortunately, more recently regarding where we are at the moment at the top of Bonne Nuit Hill and that is signed by Peter Le Gresley, who I understand now has the powers to sign an enforcement notice. So this notice ... as I say it was served on us by Elizabeth and Mike and he had signed it. At that meeting also, he asked me to supply him with figures regarding the amount of mixed loads that we were doing at Heatherbrae, which I agreed to but the following day, on talking with Advocate Clarke: he said that I would be well advised to ask Mr. Porter to put this request in writing before I provided him with these figures. On making a telephone call to him to request this, he refused to put it in writing. So I said: "Well, in that case, I am not providing you with these figures." I thought if he cannot put it in writing, something was not right. Something else that came out of that meeting as well was that Adam Clarke was extremely annoyed that issues that he had discussed at the meeting had got back to Advocate Yates the next day and he said there was only one person that could possibly have been responsible for that and that was Mike Porter. We also learned that that morning after we were served this notice that Mike Porter had delivered a copy down to the office of Ogiers. The copy of our enforcement notice was delivered by Mike Porter to Mr. Yates and I feel that reading through letters by email between the 2 of

them, between Advocate Yates and Mike Porter - and Elizabeth Ashworth also, but not so many with Elizabeth - that there was an unhealthy amount of control going on over the 2 planning officers by Advocate Yates. It seems that everything that Advocate Yates requested from them, they did what he asked, even though in doing so they were going against us. I cannot understand why they did it. As planning officers I feel that they should have remained impartial and I just wish that I would have known before we went to court, that this had been taking place because we hoped that a solution would have been able to be found and when it got to the stage where we realised that nothing was going to be able to be done that would sort things out for us with Mr. and Mrs. Yates and that they were going to push it and bring a private action against us, rather than under the Statutory Nuisance Law, with this old Jersey law of voisinage, which we did not understand too much about, we felt that as we had not in our eyes done anything wrong. We were there with a permit. We were not, we felt, making the sort of noise that we were being accused of making and that it would go to court and the court would see that we were not in the wrong and that justice would prevail and that it would all be sorted out in the court and we would be able to carry on as we were. Unfortunately that was not how it turned out.

**Mr. J. Mills:**

Thank you. I think at this point I am not sure I have anything more to ask you in this session. We might have to have one more go at the very end but I think that is probably enough.

**Mr. R. Huson:**

I want to be crystal clear about this because Mr. Taylor touched on this idea, about this playing up this change in his planning application. You had an initial planning application to operate - the words were: "The same as you were at St. Peter." This change in the planning application was for the change in your hours, was it not?

**Mrs. R. Pinel:**

The application that never was? Not Chris' original application for us to go there?

**Mr. R. Huson:**

This other one was just for the change in your hours was it not? The extension of your hours.

**Mrs. R. Pinel:**

Well, how they had worded it, it was to increase our hours and I think they also mentioned the machines. You see, in our permits, it was 8.00 a.m. until 6.00 p.m. Monday to Friday and 8.00 a.m. until 1.00 p.m. on a Saturday and no Sundays: no Saturday afternoons; no Sundays and no bank holidays. Well our working hours are not till 6.00 p.m. anyway. Our drivers, if possible, and they normally are, their working hours are until 4.45 p.m.

**Mr. I. Clarkson:**

Chairman, if I can intervene, the document I have just handed you is effectively the case officer's job sheet that would have been associated with what they have called a request for reconsideration. On the front of that is the description that they gave the application, the Request for Reconsideration, and it refers to a change of hours and the ...

**Mr. J. Mills:**

Request for reconsideration to allow mechanical sorting and to extend working hours. That is what the Planning Department were ...

**Mrs. R. Pinel:**

I cannot understand, and I have never questioned it: we have since been told by people: "You know your trouble? You have just been too nice and too honest." I think that if being too nice and too honest in



life is a bad thing, it is a very sad way that things have gone. We did not bother anybody, did we? We never bothered Planning. We just got on with what we had to do and tried to do everything by the book.

**Mr. R. Huson:**

I just want to get this as clear as I can. So, this was advertised in the *J.E.P (Jersey Evening Post)* and was this advertised on the end of the road as well? Or was this just a reconsideration?

**Mrs. R. Pinel:**

They did not have site notices then.

**Mr. R. Huson:**

No. Okay. As Mr. Taylor said, he never signed this paper. No money changed hands. And I see on here, John, does this mean that Elizabeth Ashworth would have ...

**Mr. J. Mills:**

Well, that is Le Gresley's signature. She is the case officer.

**Mr. R. Huson:**

Whose signature is that?

**Mr. J. Mills:**

Mr. Le Gresley, the Assistant Director.

**Mr. R. Huson:**

So what we are saying is that they took it upon themselves to do this. Is that what you are saying?

**Mrs. R. Pinel:**

Yes.

**Mr. J. Mills:**

I think the papers that Ian has handed me paraphrases it a bit but I think we do need to have a note from Planning to be sure about this.

**Mr. I. Clarkson:**

I can go further, and stressing the point that I am merely reporting documentation that has already been provided to you and which has been referred to in public hearings previously. Mr. Mike Porter, the Enforcement Officer, did refer to a set of notes that he compiled. Within those notes is a reference to an email to Mr. Yates dated 10th May 2006. That reference includes the following: "Mr. and Mrs. R. Pinel will be writing to the Minister for consideration of varying the conditions attached to their permit. It is likely that they will ask for both timings and intensification of use to be reconsidered by him."

**Mr. J. Mills:**

What time of day was that email, please.

**Mr. I. Clarkson:**

It is only a cut and paste. Obviously there will be a need for me to clarify that for you anyway. It is just to help you form a view as to how many more questions you need.

**Mr. J. Mills:**

Let us just clarify it a bit more. You said that was sent from Mr. Porter to Mr. Yates on 10th May.

**Mr. I. Clarkson:**

It is dated 10th May 2006.

**Mr. J. Mills:**

And it says - just repeat - it says: "Mr. and Mrs. R. Pinel will be ..."

[17:15]

**Mr. I. Clarkson:**

"...will be writing to the Minister for consideration of varying the conditions attached to their permit."

**Mr. J. Mills:**

I have in front of me what you just gave me which was Mr. Porter's letter also of 10th May - this is a letter, not an email - to Mr. Pinel, which is saying - I think I need to just repeat this for the record. It refers to the complaints and so forth. He encloses a copy of the original permit, the 2005 permit: "To assist in pointing out to you [that is you, Mr. Pinel] those concerns which, if proven to be a breach of conditions, may leave you liable to formal action and ultimately referral to H. M. (Her Majesty's) Attorney General for consideration of prosecution as described in article 9 of the Planning Law. [He then repeats the various conditions.] I must firstly advise you that the conditions attached to the permit are clear and precise in their description of how your company must operate at Heatherbrae Farm. Complaints received are equally clear in their description of the way your company is operating in continual breach of those conditions. The department must therefore advise you that if you wish to continue operation at Heatherbrae Farm, it must be in full co-operation with conditions attached to Permit P/2005/0423. In answer to those complaints received and in order to satisfy the concerns of the department, I will be paying visits to the farm to confirm your adherence to those conditions. I will be required to refer any of all of those breaches found to the Minister who may require enforcement action to be taken against you. It is clear, as mentioned above, that your company has flourished since moving to its new location and that its operation is no longer possible within the conditions attached to the 2005 permit. You may wish to make a representation to the Minister for variation to be made to the conditions attached in 2005. This request should be in the form of a letter to the Minister and describe which specific conditions you wish to be varied and how. You will need to describe the operation of your business at the St. Peter site prior to moving to Heatherbrae and describe all of those intensifications that have occurred in the way in which you operate your business." Etcetera, etcetera. That was sent on 10th May so the earliest you would have received it was 11th May and Mr. Clarke responded on your behalf on 19th May. So it does appear that Mr. Porter's email to Mr. Yates perhaps slightly jumped the gun. Is that ...?

**Mr. I. Clarkson:**

It would appear there are several possibilities for why that email had been written in the way it was. I would not like to make a judgment on Mr. Porter's behalf.

**Mr. J. Mills:**

No. We are not making any judgment without talking again to Mr. Porter. The point is that it seems that the Planning Department took the view that Mr. Clarke's subsequent letter of the 19th May, which refers to the extension of working hours at issue, they took that as a request for reconsideration and proceeded accordingly. We do need to check, though, in that in such a situation there is no requirement for a "signed application" or "a fee to be paid". We do not appear to know that.

**Mrs. R. Pinel:**

Well, we have only ever made one application. That was for the Homestead.

**Mr. J. Mills:**

We will check that.

**Mrs. R. Pinel:**

I know we had to fill out a form and sign it and we had to pay a fee.

**Mr. R. Pinel:**

It would have had to be Mr. Taylor's company anyway.

**Mr. J. Mills:**

I think we need to clarify this. We will do that so that we are clear in our own minds of what procedure was followed and whether the correct procedure was followed. That is quite important.

**Mr. R. Huson:**

You have talked about when you were served the enforcement notice and you felt you had done everything that was on it. Do we have a copy of the enforcement notice? Can we just run through those things?

**Mr. J. Mills:**

Let us ask Ian to give us one.

**Mr. I. Clarkson:**

This is an unsigned version of that notice but it has been taken from the Ministerial Decision.

**Mr. J. Mills:**

This is presumably in a standard, prescribed format is it not?

**Mr. R. Huson:**

They are basically saying that you are not to use the mechanical digger which you said you have not used for 3 months over the summer though, was it not?

**Mr. R. Pinel:**

It is over the whole of the summer. Seven months.

**Mrs. R. Pinel:**

Since they ... we went to his office.

**Mr. R. Huson:**

"To cease the said intensification." There has been an awful lot said about this intensification.

**Mrs. R. Pinel:**

We had not intensified.

**Mr. R. Huson:**

I have a certain view and I am not going to labour that point. And then "To limit the hours." To go back to your original condition.

**Mrs. R. Pinel:**

The only thing that we were doing wrong with our hours was that we were going out half an hour, quarter of an hour earlier in the morning. We only had one lorry parked there. The drivers that we had had somewhere to park their lorries.

**Mr. R. Huson:**

So your other 3 lorries, they went to the drivers' houses. There was only one lorry there, which would go a bit earlier.

**Mrs. R. Pinel:**

Yes.

**Mr. R. Huson:**

You said that generally speaking, you used to finish about 5.00 p.m. anyway.

**Mrs. R. Pinel:**

Yes.

**Mr. R. Huson:**

You were not working on Saturday afternoon or Sunday at all, were you?

**Mr. R. Pinel:**

I did one Sunday morning, I think, when I was doing the offices on the Esplanade. I was on hire to A. C. Mauger.

**Mrs. R. Pinel:**

Would you have used a lorry out of Heatherbrae or would you have used one of the others?

**Mr. R. Huson:**

Anyway, this is going to be very, very limited volume.

**Mrs. R. Pinel:**

It would have been very rare. It was just occasionally. That driver that parked at Heatherbrae ... Quarries open at 7.30 a.m. and a lot of the building sites open at 7.30 a.m. - 8.00 a.m. and they want their materials on site as early as possible. We were at a disadvantage, of course, because the other skip companies can all start at 6.30 a.m. We have seen them on the road as early as 6.30 a.m.

**Mr. J. Mills:**

Because of the conditions on their planning consent.

**Mr. R. Pinel:**

They must be.

**Mr. J. Mills:**

Can I just come back? When the Heatherbrae application was approved, did the planning officer concerned discuss with you at all what the correct or what the appropriate hours should be, to go in to the condition that there is on there?

**Mrs. R. Pinel:**

No.

**Mr. J. Mills:**

It was just put in?

**Mrs. R. Pinel:**

I think I recall seeing a document from Mr. Binet because he responds to all applications in the *Evening Post* and he had just quoted extended ...

**Mr. J. Mills:**

Office hours.

**Mrs. R. Pinel:**

We have made an application for La Saline at the moment and he has responded and he has put exactly the same again.

**Mr. R. Huson:**

When you were at La Prairie what hours did you work there?

**Mrs. R. Pinel:**

Whatever hours we wanted. There were no conditions.

**Mr. R. Huson:**

So if you wanted to start at 7.30 a.m., you did?

**Mrs. R. Pinel:**

Yes. Or 7.00 a.m. or ...

**Mr. J. Mills:**

It is an interesting point. It is a point we just need to pursue. I do not think we can resolve it now but I think we can pursue it. It is a good point you have raised.

**Mr. R. Huson:**

The other thing is just a little thing about Abbey Plant. Did you fall out with Abbey Plant or did you decide to do it yourself because it was more profitable, in simple terms?

**Mr. R. Pinel:**

Once we had Heatherbrae, we could do it ourselves.

**Mr. R. Huson:**

Because it was more profitable. There is nothing wrong in that. It is a simple question I wanted to ask. Okay. That is all I wanted to know.

**Mrs. R. Pinel:**

Poor Eric down at Abbey Plant, he was offended that we were taking our business back because we had gone to him when we had to leave Home Farm because we did not have enough space to carry on doing all our mixed loads that we were doing there at La Prairie so he said he would take some for us and of course, as Reg said, when we went to Heatherbrae, were able to take our work back again as we had been doing but he was a bit upset because obviously he was losing that business.

**Mr. R. Huson:**

So it was not a fall out, it was just purely a business decision.

**Mr. R. Pinel:**

We still go to Eric nowadays with all our cardboard. He takes all the cardboard.

**Mrs. Pinel:**

But he only does his own mixed loads now in his own business.

**Mr. R. Huson:**

It was a purely business decision. Okay. No further questions from me.

**Mr. J. Mills:**

I think we are done, in that case but before the meeting ends, can I just re-call Mr. Taylor, please, to ask one question. Stay where you are. Just one question. Going back to the site visit and the request for reconsideration, you said to us that it was only later that you saw the report, that Mrs. Ashworth had prepared, on the request. Can you just repeat what you said, please?

**Mr. C. Taylor:**

The report from Mrs. Ashworth which was prepared for the Minister for that meeting, I did not receive until, I think, the 4th December because I had found out somehow about this report and I had asked Rita about it, Mrs. Pinel, and Mrs. Pinel said: "Oh, I will get you a copy of it" which she had in turn received from Mr. Michael O'Connell, who is Mr. Yates' advocate.

**Mr. J. Mills:**

So this report for the Minister's site visit and the request for consideration was not sent to you as "applicants"?

**Mr. C. Taylor:**

No.

**Mrs. Pinel:**

Well, it should really have been sent to Mr. Taylor.

**Mr. J. Mills:**

But he was not an applicant either, was he?

**Mrs. Pinel:**

No. Neither of us. But Applebys had a copy and I found out about it by reading another document and I asked Adam Clarke if he could get copy for us from Planning because I said that we had never seen this document they are referring to. So I got a copy and I let Mr. Taylor have a copy as well.

**Mr. J. Mills:**

Ian, one point I would like to just clarify, please, is what the status of such a document is. This is going back to 2006. We need to be clear what the status of such documents was. When they were prepared for the Minister, were they confidential? Were they open documents? What were they? I mean, were they actionable under Freedom of Information? Were they restricted? Can you check just so we are clear about that? I just want to be clear about that.

**Mr. I. Clarkson:**

I certainly will.

**Mr. C. Taylor**

I have got the copy that Mrs. Pinel gave me, with the yellow sticky note still on it and it is in my boxes. I will show it to you afterwards.

**Mr. J. Mills:**

We have seen that. Thank you for that. I just wanted to be clear when ...

**Mr. C. Taylor**

It was 4th December 2006.

**Mr. J. Mills:**

Thank you. That is good. I think that is the end of today's public session. Thank you all very much indeed.

[17:28]