

STATES OF JERSEY

Committee of Inquiry Reg's Skips Limited

FRIDAY, 19th MARCH 2010

Panel:

Mr. J. Mills (Chairman)

Mr. E. Trevor M.B.E., F.R.I.C.S

Mr. R. Huson

Clerk:

Mr. I. Clarkson (States Greffe)

Witness:

Mr. M. Sumner

[12:55]

Mr. J. Mills (Chairman):

Now, we have one more. We have Mr. Sumner there, have we not? We will have him in. Good morning, sir. Thank you for coming.

Mr. M. Sumner:

Am I on next?

Mr. J. Mills:

You are on next. We will not be long. I have to ask you to take the oath first, if you would just like to raise your right hand. Thank you. 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 so without favour, hatred or partiality as you will answer to Almighty God at your peril?

Mr. M. Sumner:

I do.

Mr. J. Mills:

Thank you very much for coming, Mr. Sumner, and I will explain things as we go along. The Committee of Inquiry into Reg's Skips Limited is myself, John Mills, Chairman, Mr. Edward Trevor and Mr. Richard Huson and our clerk, Mr. Ian Clarkson. If you could, just for the record, tell me who you are.

Mr. M. Sumner:

I am Mark Sumner. I am here given that I occupied the neighbouring property to the property in question.

Mr. J. Mills:

Neighbouring to La Prairie?

Mr. M. Sumner:

Yes.

Mr. J. Mills:

Yes, okay. Now, thank you very much for coming and I declare an interest in that I am an F.S.C. (Financial Services Commission) commissioner and Mr. Sumner is a senior member of the F.S.C. staff and so we are acquainted with that in hand. But I do not think that should inhibit the proceedings.

Mr. E. Trevor:

At the same time I should admit that we know each other through an outside organisation.

Mr. M. Sumner:

We do.

Mr. J. Mills:

Do you know the background to what we are trying to ...

Mr. M. Sumner:

I believe so, but only through having read the local paper.

Mr. J. Mills:

Okay. Well, the issue, in a nutshell, we only learned that you were the relevant person, so to speak, because a week ago Mr. Mark Yates, who was one of the leading sort of protagonists, mentioned that he had spoken to you about all this and when he mentioned your name I thought: "I know who that is." So we thought it would be helpful if you could just give us 15 minutes to confirm it. The issue is that Reg's Skips Limited were operating at the La Prairie site until about the spring/summer of 2005 when they got planning permission to move up to Heatherbrae Farm up at St. John. There are lots of issues around that. I do not need to worry you too much about that. The main issue that the Committee of Inquiry is having to focus on is one of the conditions of the planning permit for Heatherbrae Farm which, in essence, said that Reg's Skips Limited should operate in the same way at Heatherbrae as they had operated at La Prairie. It is evident from all the people we have heard that there is some dispute as to what exactly happened at La Prairie. Now, could you just describe for our benefit the geography of this? Have we got a map?

Mr. I. Clarkson:

We have got a plan here.

Mr. J. Mills:

A plan? Well, perhaps we could ask Mr. Sumner if he could just delineate on the plan where La Prairie is and where his house is.

Mr. I. Clarkson:

That is the roundabout heading north.

Mr. J. Mills:

That is the roundabout. We know the roundabout.

Mr. M. Sumner:

Yes. So after the roundabout there is a steeper bend than appears on the map.

Mr. J. Mills:

Yes.

Mr. M. Sumner:

So after about 80 or 90 yards there a sort of joint entrance which mainly goes into the gravelled courtyard of a property that used to be known as the Tile Barn.

Mr. J. Mills:

I know the one. Yes.

Mr. M Sumner:

There are 2 residential properties forming the probably north-east side to the courtyard and the first property is mine.

Mr. R. Huson:

Is that the one that has always got a lot of flowers in the garden?

Mr. M. Sumner:

That is the one, yes.

Mr. R. Huson:

Makes the corner ...

Mr. M. Sumner:

Not at the moment though. No, those would not be evident from the roadside. So I am not sure where you are thinking of.

Mr. J. Mills:

The point is that you are absolutely adjacent to the La Prairie site that we are interested in.

Mr. M. Sumner:

Yes.

Mr. J. Mills:

So you have a ...

Mr. R. Huson:

You would overlook it?

Mr. M. Sumner:

It is sort of side on.

Mr. R. Huson:

Yes, side on.

Mr. J. Mills:

Have you lived there quite a long time?

Mr. M. Sumner:

I have been there for 9 years.

Mr. J. Mills:

Right. So you have been there right through the relevant period of about, sort of, 2004-2005 that we are referring to?

Mr. M. Sumner:

I have.

Mr. J. Mills:

The question really, Mr. Sumner, is what can you tell us about what you observed in that period, up until 2005, happening at La Prairie in respect of Reg's Skips Limited? What business did you observe?

[13:00]

Mr. M. Sumner:

Okay. Let me say a couple of things. There is an identical business operating there now.

Mr. J. Mills:

So we understand.

Mr. M. Sumner:

So my memory of the 2 is not distinct.

Mr. J. Mills:

The period in question would have ended when the Pinels moved in about ...

Mr. I. Clarkson:

It would have been approximately August 2005.

Mr. J. Mills:

It would have ended and it would have been for the year ...

Mr. I. Clarkson:

I believe roughly April 2004.

Mrs. R. Pinel:

Beginning of April 2004 to the end of July 2005.

Mr. J. Mills:

So it is a period of about 15 months. Thank you, Mrs. Pinel.

Mr. M. Sumner:

But we are talking about 5 years ago.

Mr. J. Mills:

I understand.

Mr. M. Sumner:

What I would also add is that I had not previously met the previous owners until today. So there is no relationship. I should also add that I am a working man. So I am out of the property during normal working hours and I am not always there that often at weekends. So the full range of activity I possibly could not describe anyway. But, you know, even despite that, I am there often enough to get a feel, I think. The business largely ... Well, in terms of activity on the site it largely involved the storage of empty containers stacked quite neatly in ... well, around the periphery of the property. Sometimes those containers had waste materials in and occasionally I would see a couple of guys sort of working their way through the containers to separate the materials into such that, you know, there would be all wood in one and all metal in the other, et cetera. There was not an awful lot of activity except that occasionally a lorry would turn up, a specialised lorry, that would be capable of picking up and loading and off-loading these containers. That is quite a noisy process. I must say I only really noticed it occurring fairly early in the morning and there was not an awful lot of it. So some noise on occasions. On the occasions I was there ... I suppose I would tend to notice it early in the morning before I had left for work. So it might have gone on throughout the day but I do not think it did. So largely storage of empty containers. Sometimes there would be up to maybe half a dozen which contained waste, presumably pending it being taken off somewhere for dumping, and some to-ing and fro-ing but not an awful lot.

Mr. J. Mills:

In your opinion as you observed over the period, was the site neat and tidy as you have just implied?

Mr. M. Sumner:

Always.

Mr. J Mills:

Or a bit of a mess or ... Always neat and tidy?

Mr. M. Sumner:

No. It was always neat and tidy.

Mr. J. Mills:

Okay. That is very important. Okay, thank you. Now, the next thing is we heard evidence from Mr. Mark Yates who was the complainant at Heatherbrae Farm. In order to, in a sense, demonstrate his point about the planning consent being breached at Heatherbrae Farm as he alleged, he made inquiries of what he called "friends" in the vicinity of La Prairie to try and establish the situation. First of all, are you "a friend" of Mr. Yates?

Mr. M. Sumner:

No, I would not describe myself as that.

Mr. J. Mills:

But you are acquainted, are you?

Mr. M. Sumner:

Yes. I have met him in various business meetings and he and I would know each other to say hello to.

Mr. J. Mills:

Right.

Mr. M. Sumner:

But I doubt if I see him once a year and it is certainly not in social circumstances.

Mr. J. Mills:

Okay. Can you recall his approaching you at around the very end of April 2006 about this?

Mr. M. Sumner:

Yes.

Mr. J. Mills:

Can you sort of recollect what that comprised and what happened?

Mr. M. Sumner:

I am a little vague in honesty but he telephoned me out of the blue at least once, if not twice, and described his circumstances. I might be wrong but I think he described himself as having purchased a property subsequent to the business having established itself there. But he said that there was a dispute, that he was taking some sort of action and he would have asked me the sort of questions you have just asked me and I do not think I would have said more than what I have just said to you. I think he asked if I would be willing to appear or give some sort of input at some stage and I confirmed that I would be happy to. I do not think it went beyond that.

Mr. J. Mills:

That is helpful. Do you know if any of your other neighbours were approached by Mr. Yates? Was it a matter of conversation over the garden fence at all?

Mr. M. Sumner:

No, I am not aware of anything.

Mr. J. Mills:

No, okay. It does not matter. That is just by the by really. That helps us enormously. Do you want to ...

Mr. R. Huson:

Just we need to know did you ever see any mechanical sorting at La Prairie?

Mr. J. Mills:

Either with a JCB or a digger?

Mr. M. Sumner:

No, not ever.

Mr. J. Mills:

But you were not there through the day, as a rule?

Mr. M. Sumner:

No, but ...

Mr. R. Huson:

Would your wife have seen anything?

Mr. J. Mills:

I am not married.

Mr. R. Huson:

You are not, right.

Mr. M. Sumner:

At that time there would not have been anybody else living in the house.

Mr. R. Huson:

Right. So you really did not see very much of what was going on in the operation because you were only there very early in the morning when they started?

Mr. M. Sumner:

We all have days off from the office.

Mr. R. Huson:

Yes.

Mr. M. Sumner:

So I think I have seen the full spectrum of activity, in all probability. But I certainly cannot recall any mechanical sorting, I do not think.

Mr. R. Huson:

Okay.

Mr. J. Mills:

That is it.

Mr. M. Sumner:

Okay, thank you.

Mr. J. Mills:

Thank you so much for coming by.

Mr. M. Sumner:

My pleasure.

Mr. J. Mills:

All right. We will break now. The next public session is at 2.15 p.m. when the Minister is here.

[13:07]