

2017.01.30

**2 Deputy K.C. Lewis of St. Saviour of the Minister for Environment regarding the penalties for people found guilty of fly tipping: [1(78)]**

Further to the media statement from his department on 24th January 2017 that there has been an incidence of asbestos fly tipping at Maufant, will the Minister, in consultation with colleagues, seek to increase the penalties for those found guilty of such an offence?

**Deputy S.G. Luce of St. Martin (The Minister for Environment):**

The penalties for fly tipping are set out in the relevant laws. In the event of a successful prosecution the court will impose a sentence that it considers appropriate given the circumstances of the case before them within any limitations on the penalties as set out in the law. The Environment Department enforces the Waste Management (Jersey) Law 2005. The fly tipping of waste is a criminal offence under Article 23. This relates to the deposit of waste on any land whether publicly or privately owned. To fly tip waste or in the wording of the law: "To cause or knowingly permit the disposal of waste at unauthorised sites or in a manner likely to cause pollution, it is an offence punishable by an unlimited fine or term of imprisonment of up to 2 years. I do not consider that the penalties need to be increased and it is not my intention to do so.

**4.2.1 Deputy K.C. Lewis:**

The asbestos in question I believe was dumped at Maufant on the boundary between St. Saviour and St. Martin. I am sure the Minister will agree this is something that needs to be nipped in the bud. What advice would the Minister be giving to the public obviously, without endangering themselves of course, to take registration details of any offender and report to the authorities?

**The Deputy of St. Martin:**

It would be my intention to continue as we do at present, which is to educate the public as much as we possibly can around the issues of fly tipping, the dangers caused by it. It has obviously, as we all know, environmental damage to the countryside. It causes pollution and potentially, in certain circumstances, can cause problems for human health. So educating is the way we wish to proceed but the public need to be in no doubt that if we find recordings of fly tipping, and we can prove it, we will be enforcing. So education for me at this stage is the way forward.

**4.2.2 Deputy G.P. Southern of St. Helier:**

In terms of keeping the public safe from exposure to asbestos will the Minister for Environment check with Andium Homes that special measures as needed will prevent exposure to residents on Le Marais Estate where 200 flats are being majorly refurbished? I understand there is asbestos in the kitchens and in some bathrooms. Will he seek assurance from Andium that all protective measures will ensure the health and safety of residents while they proceed with this procedure floor by floor with residents staying *in situ*?

**The Deputy of St. Martin:**

On behalf of myself and other Ministers responsible I am very happy to give that assurance.

**4.2.3 Deputy D. Johnson of St. Mary:**

I know that the media statement was issued on 24th January whereas I think the instance itself happened some 6 weeks earlier. Can the Minister advise whether there were any reasons for the delay in getting the necessary media coverage to this incident?

**The Deputy of St. Martin:**

I can advise the Assembly that I knew of this incident, as the Deputy says, before Christmas. Officers at that time took the decision that they wanted to proceed without making the offence known to the public and were confident in the earlier stages that they might have secured a prosecution. But this did not materialise, consequently the decision was taken to go to the public to seek the public's assistance and we are following up some leads.

#### **4.2.4 Deputy J.M. Maçon of St. Saviour:**

From the law that the Minister has cited I wonder if he can give an indication to the Assembly for the past 3 years how many incidents of fly tipping have been reported to his department and how many successful prosecutions have there been, and rather than there being an issue with the offences is they are not more a problem with the enforcement side of it?

#### **The Deputy of St. Martin:**

I have to be honest, I do not have that information before me today but I am happy to get it and let all States Members have it.

#### **4.2.5 Deputy A.D. Lewis of St. Helier:**

A question of process on asbestos. The Minister will be aware that whenever any building work is done on any property an asbestos survey should be done first. Once it is done and asbestos is identified and works commence, is there any cross-reference between the area of government that insists on the inspection and then perhaps the Environment Department that now are aware that there is asbestos in the building, they are aware it is being removed, and do they then follow through to ensure that it is then correctly disposed of?

#### **The Deputy of St. Martin:**

I do not know of the correct procedure. All I do know is, as the Deputy says, asbestos reports are received on buildings before they can be worked on. When the asbestos is analysed and the type verified there are then strict regimes in place as to how that asbestos is disposed of, and I can certainly guarantee to the Deputy when it arrives at La Collette disposal it will only be received in the correct manner.

#### **4.2.6 Deputy A.D. Lewis:**

Is the Minister therefore saying that if a report is done on asbestos in a building and it is identified that it is in existence, is there follow through and cross checks to see how it is then disposed of because surely if that was the case fly tipping would not occur because you would know that it had to be disposed of somewhere appropriately?

#### **The Deputy of St. Martin:**

I can see exactly where the Deputy is coming from. I do not have the answer but I will get it for him.

#### **4.2.7 Deputy K.C. Lewis:**

Deputy Lewis of St. Helier just asked my supplementary question but I will ask ...

#### **The Deputy Bailiff:**

It is not compulsory, Deputy.

#### **Deputy K.C. Lewis:**

I am glad that the people of Jersey will be informed by the Minister regarding the dangers of asbestos fly tipping and I ask the Minister whether he will be redoubling his efforts regarding publicity to inform the people of Jersey of that.

**The Deputy of St. Martin:**

Certainly I am aware that if we have changes in the charging regime at the Energy from Waste plant there may well be some needs for me to redouble my effort and I guarantee to do that. I would just finish the Deputy's question by saying to him not only do I have powers under the law I quoted earlier but the Planning and Building Law has powers, the Water Pollution Law has powers, Policing of Roads, Beaches and Parks all have powers within them which would allow the courts to fine people who are prosecuted for fly tipping. So I thank the Deputy for his question.