

Press release: Scrapyard permit dodger claims end-of-life vehicles were for resale

The owner of an Exeter scrapyard has been given a suspended prison sentence for operating an illegal vehicle dismantling business.

Max Newbery was also ordered to pay £8,470 costs at the end of a 2-day trial before Exeter magistrates. The case was brought by the Environment Agency.

The court heard that in March 2014, the Environment Agency suspended the defendant's environmental permit after he failed to pay the site's annual permitting fee over a period of 5 years.

The scrapyard, at Barley Villas Yard, Redhills, Exeter, continued to accept vehicles despite it no longer being a permitted facility. Between 27 March 2014 and 25 February 2016 a minimum of 51 vehicles were accepted at the scrapyard.

When questioned, Newbery claimed he bought the vehicles with the intention of selling them on. He refused to accept they were waste as defined by the 2008 Waste Framework Directive which states that waste is 'any substance or object which the owner discards or intends or is required to discard'.

Two women who took cars to the defendant's scrapyard both said they were disposing of their vehicles. One described her's as 'Scrap, not a goer' and the other, 'Nobody would buy it.' An Environment Agency officer, who visited the site, said in his professional opinion, all the cars brought to the scrapyard were end-of-life vehicles.

When questioned about the poor condition of some of the vehicles, Newbery claimed they had been 'vandalised by children', yet there was no CCTV at the site and little in the way of security to safeguard the vehicles he insisted were suitable for re-sale.

In addition to suspending his permit, the Environment Agency served Newbery with an Enforcement Notice requiring him to carry out improvements to the infrastructure of the scrapyard to minimise the risk of pollution and protect human health. Newbery said complying with the notice would be 'expensive' and it was therefore 'unreasonable' of the Agency to expect him to do so.

Magistrates were told the defendant's business had an annual turnover of more than £50,000 and that he had recently obtained planning permission for the site. This had increased its value to around £600,000 and had prompted Newbery to try to sell it.

Jacob Hess of the Environment Agency said:

Scrapyard operators are required by law to put in place appropriate environmental safeguards to protect human health and the environment. The defendant continued running his scrapyard without making any of the legally required infrastructural improvements.

He avoided investing in the business as this would eat into his profits and continued making money from an illegal site.

Appearing before Exeter magistrates, Max Newbery, of Barley Villas Yard, Redhills, Exeter

received a 24-week prison sentence, suspended for 2 years, and was ordered to pay £8,470 costs after being found guilty of operating a regulated waste facility without a permit and failing to comply with an enforcement notice in contravention of the Environmental Permitting (England and Wales) Regulations 2010.

Editor's notes

Environmental permits are necessary to minimise the risk of pollution or harm to human health from operations at waste sites such as scrapyards. There are set procedures for de-polluting and dismantling of end-of-life vehicles that contain potentially hazardous substances including engine oil, clutch fluid, coolant, brake fluid, gearbox oil, lead acid batteries, power steering fluid, screen wash, fuels, CFC's and lead wheel balancing weights.

[Press release: Plymouth Skip Hire boss nearly jailed for dumping rubble](#)

A judge has told a Plymouth man he escaped prison 'by the skin of his teeth' in a case brought by the Environment Agency.

Connor Calam fly-tipped waste on the edge of Dartmoor while subject to a suspended prison sentence for driving offences. The custodial sentence was very nearly activated by Exeter Crown Court.

The court heard a farmer found a large quantity of rubble and other waste deposited across a track near Pudson Farm, Okehampton in January 2017. The waste blocked access to three of his fields. The farmer reported the incident to the Environment Agency and local council and was told he would have to pay for its removal and safe disposal.

Enquiries by the Environment Agency traced the waste back to Plymouth Skip Hire in Stonehouse, Plymouth operated by Connor Calam, also known as Riley James.

The building waste came from insurance repairs carried out on a property in Plymouth by a local company that paid the defendant £245 to remove the material on the understanding he was a registered waste carrier.

Plymouth Skip Hire ceased trading in April 2017. Zenith Construction Ltd, whose waste was illegally tipped by the defendant, later paid for its removal as a goodwill gesture to the farmer.

Phil Butterworth of the Environment Agency said:

This prosecution is a timely reminder to businesses and home owners to ask three simple questions when getting someone in to dispose of their waste.

Is the person registered with the Environment Agency as a waste carrier – ‘ask for proof’? Where do they intend to take the waste and can they provide a receipt? If they can’t provide satisfactory answers to these questions, don’t hand over your waste.

Appearing before Exeter Crown Court for sentencing on Tuesday 6 March 2018, Connor Calam, of Seaview Avenue, Lipson, Plymouth was fined £2,000 for breaching a suspended prison sentence and ordered to pay £2,500 costs. He was also made the subject of a 12-month community order, ordered to pay £260 compensation to Zenith Construction Ltd plus an £85.00 victim surcharge.

His Honour Judge Ralls QC said ‘Fly-tipping in a beautiful part of the country is a serious matter’ and warned the defendant he’d escaped being sent to prison ‘by the skin of his teeth.’

The sentencing followed an earlier hearing where the defendant was found guilty of disposing of controlled waste on land at Pudson Farm, Okehampton between 10 and 27 February 2017 without an environmental permit contrary to Section 33 of the Environment Protection Act 1990.

[Recall of Chinese herbal medicine exceeding limit of pesticide residue \(with photo\)](#)

The Department of Health (DH) today (March 14) endorsed a licensed Chinese herbal medicines (Chm) wholesaler, Luen Hing Ho, to voluntarily recall from the market a batch of Chm, Fructus Corni (batch number: 170710A), as the pesticide residue of the Chm exceeded the limit set out by the Chinese Medicines Board of the Chinese Medicine Council of Hong Kong (CMCHK).

During the DH's market surveillance, sample of the above Chm was collected for analysis. Testing result from the Government Laboratory revealed that Triazophos was detected in the decoction prepared from the above Chm (each kilogram of the herb contains 0.09 milligram of Triazophos). Triazophos is an organophosphate pesticide which is not allowed to be detected in decoction prepared from Chm.

"Based on the level of pesticide residue detected in the sample, adverse health effects will not be caused under consumption for treatment of diseases. Long-term high level intake of Triazophos may possibly affect the nervous system. So far, no adverse reports related to the use of the above Chm have been received. Investigations are ongoing," a spokesman for the DH said.

According to the Chinese Medicine Ordinance (Cap 549), Fructus Corni is the ripe sarcocarp of *Cornus officinalis* Sieb. et Zucc. It is a Schedule 2 Chm of the Ordinance used to tonify and nourish kidney and liver.

Preliminary investigation indicated that the above batch of Chm was imported by Luen Hing Ho from the Mainland. Luen Hing Ho has set up a hotline (2548 4228) for related enquiries. The DH will closely monitor the recall and has also contacted other main Chm importers in Hong Kong regarding the importation of the above Chm.

According to section 52 of the Public Health and Municipal Services Ordinance (Cap 132), selling any drug not of the nature, substance or quality demanded by the purchaser is liable to a maximum penalty of \$10,000 and three months' imprisonment. Upon completion of investigation, the DH will work with the Department of Justice on prosecution matters and will also refer the case to the CMCHK for possible disciplinary action.

The DH urged members of the public who have purchased the above Chm to stop using it immediately and submit it to the Chinese Medicine Division of the DH on 16/F, AIA Kowloon Tower, Landmark East, 100 How Ming Street, Kwun Tong, Kowloon, during office hours for disposal. The public who have taken the above Chm and feel unwell should seek advice from healthcare professionals.



Fatal traffic accident in Yau Ma Tei

Police are investigating a fatal traffic accident in Yau Ma Tei this afternoon (March 14) in which a 53-year-old man died.

At about 12.24pm, a light goods vehicle (LGV) driven by the 53-year-old man was travelling along Chatham Road South towards Sha Tin. When approaching near Princess Margaret Road, it reportedly lost control, dashed to the opposite lane, and collided with a coach driven by a 53-year-old man. The LGV was then crashed back to the lane towards Sha Tin, and further collided with a taxi driven by a 63-year-old man.

The LGV driver was trapped inside the car and was rescued by fireman. He was rushed to Queen Elizabeth Hospital in unconscious state and was certified dead at 12.48pm. The 63-year-old taxi driver was injured and sent to Queen Elizabeth Hospital in conscious state.

Investigation by the Special Investigation Team of Traffic, Kowloon West is underway.

Anyone who witnessed the accident or has any information to offer is urged to contact the investigating officers on 3661 9000 or 3661 9062.

Cluster of Influenza A cases in Hong Kong Buddhist Hospital

The following is issued on behalf of the Hospital Authority:

The spokesperson for Hong Kong Buddhist Hospital made the following announcement today (March 14):

Three patients (two male and one female, aged 73 to 87) in a mixed medical ward and one staff member presented with respiratory symptoms since March 9. Appropriate viral tests were arranged for the patients and their test results were positive for Influenza A. The patients concerned are being treated under isolation with stable condition. The staff member is currently on sick leave.

Enhanced infection control measures have already been stepped up according to established guidelines. All other patients in the ward are under close surveillance.

The cases have been reported to the Hospital Authority Head Office and the Centre for Health Protection for necessary follow-up.