

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

Procedure Note

Membership

The Committee of Inquiry appointed by the States comprises three members:

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

The quorum of the Committee is two. In the absence of the Chairman, Mr. Trevor will chair meetings. The Committee is receiving executive support from Mr. I. Clarkson of the States Greffe. All enquiries regarding the Committee's ongoing work should first be directed to Mr. Clarkson on Tel: 441026 or e-mail: i.clarkson@gov.je. Any correspondence or evidence submitted for consideration by the Committee should be sent to:

John Mills, C.B.E.
Chairman, Committee of Inquiry: Reg's Skips Limited
States Greffe
Morier House
St. Helier
JE1 1DD

Terms of Reference

The Committee is charged with investigating all planning matters relating to the various relevant planning applications made by, or on behalf of, Reg's Skips Ltd. in connection with the activities of the company as skip operators –

- (i) to establish whether the various planning applications were determined appropriately and to a standard expected of the Planning and Environment Department;
- (ii) to establish whether the legal fees accrued by Reg's Skips Ltd. totalling nearly £300,000 were as a result of any failings in the processes or actions of the Planning and Environment Department; and
- (iii) to make recommendations for changes and improvements to the planning process to ensure that any failings identified in relation to these applications are not repeated in the future.

Stages of Investigation

The first phase of the Committee's work will focus firmly on how it was that the planning application P/2005/0423 for Reg's Skips to move to Heatherbrae Farm, St. John came to be submitted and approved, and on the policy context in which the application was considered. Once this first phase is concluded, the Committee will announce how it intends to progress the remainder of its investigation.

Hearings

Although the Committee reserves the right to take written evidence as read, it may hold oral hearings to explore points of disagreement, inconsistencies or any other matters that it wishes to elucidate. Hearings will be held for the purpose of gathering evidence and examining the views and opinions of witnesses as the Committee considers necessary.

Hearings will be in public unless it becomes apparent to the Committee that to hold a particular hearing or hear particular evidence in public would, or may, compromise the integrity of the Inquiry. Witnesses invited to attend a hearing will be notified by Mr Clarkson at the direction of the Committee. Ordinarily, witnesses will receive at least five working days notice of their date and time of attendance, although there may be occasions where it might be desirable to foreshorten this.

The Committee is empowered to summon witnesses to attend, in accordance with the provisions of the States of Jersey (Powers, Privileges and Immunities) (Committees of Inquiry) (Jersey) Regulations 2007. All witnesses will be required to give evidence on oath administered according to law. The States Greffe will arrange for all hearings to be recorded and transcribed. Audio or video recording of public hearings by other persons will not be permitted.

Persons wishing to attend a public hearing should note that the Committee may exclude any person or class of persons from any proceedings at its sole discretion if it is satisfied that it would be desirable to do so for the preservation of order, for the proper conduct of the proceedings or for the protection of the person, property or reputation of any witness in, or any person referred to in, the proceedings.

Information about the times and place of public hearings will be published in the Jersey Gazette section of the Jersey Evening Post and on the States Assembly website at www.statesassembly.gov.je.

Other Meetings

The Committee's business meetings and deliberations will be held in private unless it is apparent to the Committee that a particular meeting can be held in public session without compromising the integrity of the Inquiry. This accords with exemption 3.2.1(a) (iii) of the Code of Practice on Public Access to Official Information -

“3.2.1 Information shall be exempt from disclosure, if

(a) such disclosure would, or might be liable to -

(iii) prejudice legal proceedings or the proceedings of any tribunal, public enquiry, Board of Administrative appeal or other formal investigation”

Privilege

Persons asked or required to give evidence or to produce documents before the Committee of Inquiry are

entitled to legal professional privilege and to privilege against self incrimination, in accordance with Regulation 8 of the States of Jersey (Powers, Privileges and Immunities) (Committees of Inquiry) (Jersey) Regulations 2007.

Publication of evidence

All or part of any submission received by the Committee may be reproduced or summarised in the Committee's final report to the States Assembly. When the report is published, an index listing all submitted documentary evidence submitted will be published on the States Assembly website. Submissions and transcripts of hearings held in public session will then be made available for inspection at the States Bookshop on request, subject to the provisions of the Code of Practice on Public Access to Official Information. The Committee will refrain from publishing signatures or personal contact details.

Any witness who considers that all or part of her or his evidence should be treated as confidential is urged to contact Mr Clarkson before making the submission. In the event that the Committee considers there are relevant grounds on which to classify evidence as confidential it will refrain from publishing that evidence. In relevant circumstances, the Committee will have regard to the Code of Practice on Public Access to Official Information, taking into careful account the views of the witness concerned.

Further Information

Mr Ian Clarkson, Clerk to the Committee of Inquiry (Tel: 441026 or e-mail: i.clarkson@gov.je) is the point of contact for any queries concerning matters arising from, or not addressed in, this procedure note.

Changes to this Procedure Note

The Committee will keep this Procedure Note under review and may amend its procedures in the light of experience or the emergence of new issues.

Updated 09.12.2009