

**WRITTEN QUESTION TO THE MINISTER FOR PLANNING AND ENVIRONMENT
BY DEPUTY M.R. HIGGINS OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 9th OCTOBER 2012**

Question

Further to my written question of 17th April 2012, when does the Minister anticipate answering all my outstanding questions since January 2012 and expect to supply me with the Enforcement guidance papers he stated he would forward 'as soon as possible'?

Answer

Deputy Higgins tabled two written questions for the States meeting of 17th April 2012 which I answered as follows:

First Question of 17th April 2012

Question 6804:

Question

Further to the response given to my written question 6639 on 17th January 2012 that clarification was required from the Law Officers Department, is the Minister now able to publish the Human Rights audit of his Department's Laws, Regulations, Orders, Guidance notes and procedures that all Departments of the States had to complete before the registration in the Royal Court of the Human Rights (Jersey) Law 2000, together with all subsequent revisions to these documents?

What advice was received in relation to this matter from the Law Officers?

What human rights policy, if any, was in place in January 2012 when I first asked this question?

Answer

We are still clarifying with the Law Offices our response to this question and will provide an answer as soon as possible.

Deputy Higgins tabled a further question regarding Human Rights for the States meeting of 29th May 2012 which I answered as follows:

Question 6894:

Question

Further to previous responses given, will the Minister advise Members -

(a) which specific laws, Regulations, orders, guidance notes and procedures his Department audited in advance of the coming into force of the Human Rights (Jersey) Law 2000, and which they did not?

(b) which laws, Regulations, orders, guidance notes and procedures his department has asked the Law Officers' Department to audit or comment upon since I first raised this issue?

Answer

(a) The table below lists the Laws and subordinate legislation that are administered by my Department, and includes details on which laws have been reviewed for Human Rights (Jersey) Law 2000 compliance.

(b) My department is working with the Law Officers' Department to identify if there are any higher risk areas within my department that need auditing for Human Rights (Jersey) Law 2000 compliance. As requested in my answer to question 6873 asked by Deputy M.R. Higgins of St. Helier on Tuesday 15th May,

if there are any convention rights that the Deputy believes are challenged by my department, I would be grateful if he would draw them to my attention, or he can seek his own advice from the Law Officers.

Following my answer on the 29th May 2012, my department has been in contact with the Law Officers' Department and they have not identified any convention rights that are challenged by my department. They have agreed that when resources allowed, the Law Officers would investigate further what audits have been carried out in relation to the Human Rights (Jersey) Law 2000 and they will meet again in December 2012 to review the situation.

I request again that Deputy Higgins draws to my attention, or to the attention of the Law Officers Department, any convention rights that the Deputy believes are challenged by my department.

Second Question of 17th April 2012

Question 6805:

Question

(a) Further to the response given to my written question 6637 on 17th January 2012, is the Minister now able to list in a tabular form for the years 2005 to date the following information –

(i) the name and nature of any enforcement notices issued by the Department during that period;

(ii) whether any of these notices have led to a prosecution for breach of the notice;

(iii) the result of the prosecutions and the penalties, if any, which were applied;

(b) Will the Minister explain what process, if any, was in place in the period immediately preceding December 2010 (before Supplementary Planning Guidance practice note no. 4 was adopted by the former Minister)?

Answer

To answer this question in full will require many hours of detailed research. My department is compiling this information and I will provide an answer to Members as soon as possible.

On the 13th June, I sent an email to Deputy Higgins (copying all States members) as follows:

From: Robert Duhamel
Sent: 13 June 2012 17:25
To: Mike R. Higgins
Cc: All Deputies; All Constables; All Senators
Subject: Outstanding States Questions

Dear Deputy Higgins

I am contacting you to update you on the progress being made in answering the following three outstanding questions that you have asked me.:

1. ***Question 6805:*** *Asked on 17th April 2012 - regarding Enforcement Notices*

My officers have now collated the information you requested and I attach an answer to this question.

2. ***Question 6640:*** *Asked on 17th January 2012 - regarding Buildings of Local Interest*

This question was broken up into five parts and I answered parts (a), (d) and (e), and some of part (c) in January. I stated in January that to provide the information requested in part (b) of the question and the remainder of part (c) would require some time and my department would produce this information as soon as it was able to do so.

I am informed by my department, that to retrieve the information you have requested will require a manual search of some 3,010 physical files. At a conservative estimate of 10 minutes per file and at a cost to the department of £40 per hour, this work would amount to over 500 hours of officer time at an approx cost of £20,000.

Given other work and priorities within my Department, it is likely be some time before we are able to answer this question as it has been asked.

3. **Question 6641:** *Asked on 17th January 2012 - regarding Parking Spaces in the 4 districts of St Helier*

I am informed by my department, that to answer this question will require a manual search of some 3,110 records and at a conservative estimate of 10 minutes per file at a cost to the department of £40 per hour, this work would amount to over 500 hours of officer time at an approx cost of £20,000.

As per question 6640, it is likely to be some time before we are able to allocate sufficient officer time to answer this question as it has been asked.

Given the above, can I suggest that we meet to review question 6640 and 6641 and explore options with my officers to provide you with the information you require.

If you are in agreement, I will ask my department to set up a meeting for us to review the above.

Kind Regards

*Deputy R Duhamel
Minister for Planning and Environment*

I believe I have answered question 6805 and I have not received a reply from Deputy Higgins to my email and request that we set up a meeting to review question 6640 and 6641 and explore options with my officers to provide the information required.

In relation to the supply of enforcement guidance papers, I believe I provided this information in answer to question 6637 part (b) on 17th January 2012, as follows:

Question 6637

Question

- (b) *Will the Minister explain the process and procedures adopted in issuing enforcement notices identifying who is involved in each stage from instigation to prosecution?*

Answer.

- (b) *The process and procedures adopted by the enforcement team are set out in the Supplementary Planning Guidance practice note no. 4, adopted by the former Minister in December 2010. This is available on the States of Jersey website and in hard copy from the department. For convenience, it is copied below.*