

2.8 Deputy R.G. Le Hérissier of the Chairman of the Environment Scrutiny Panel regarding a scrutiny review of the Planning Process and of the Island Plan 2011:

Does the panel intend to undertake a Scrutiny review of the planning process and of the Island Plan 2011 in the near future and, if so, when?

Deputy J.H. Young of St. Brelade (Chairman, Environment Scrutiny Panel):

I would like to thank the Deputy for his question. It gives us an opportunity for the Deputy of St. Martin, the Constable of St. John and myself to briefly air the works of the panel. The 2 reviews which the Deputy proposes are very substantial additional commitments. The panel already has a substantial work programme well into 2013, including historic buildings and Radon and is constrained at the moment in taking on new projects by our resources of 3 members. A comprehensive review of all development control procedures introduced at the beginning of 2012 by the Minister to implement the Island Plan is therefore, at the moment, beyond our resources. But these procedures have been kept under review at all of our quarterly hearings with the Minister in 2012 and during the next year, the panel plans to follow up the commitments which the Minister has already given to the panel for improvements; particularly planning appeals, to ensure that they are delivered. We will keep that matter under review. The second review the Deputy requests of the Island Plan 2011 policies falls within the Minister's own statutory responsibilities regulated by law and this is a very substantial task. The panel will continue to highlight problems with individual policies, which require urgent review by a Minister in advance of the legal requirement, as we become aware of problems. The Deputy's experience in implementing a new Island Plan as a member of the Planning Applications Panel and his wide planning experience would be invaluable to us in this respect and we will invite him to come and share these with the panel.

The Bailiff:

Deputy, just before inviting supplementary questions, as Members will be aware, His Excellency, Mr. Huhtaniemi, the Ambassador of Finland to the Court of St. James's is paying a visit to the Island. He is accompanied by his wife, Mrs. Huhtaniemi and the consul, Ms. Nelin. I am pleased to say that the Ambassador is in the gallery and is going to watch our proceedings for a while. So I am sure Members will... [**Approbation**] Very well. Yes, Deputy Le Hérissier? There was a supplementary?

2.8.1 Deputy R.G. Le Hérissier:

Would the Chairman of the panel not concede that it would be much better, given his views - his excellent views, I should add, and his excellent interest in the subject - if he were to take an overall view of the situation and look at the plan as a whole in order that we can have the thoughts and the reflections of his panel, rather than sitting down at meetings and taking on board the no doubt excellent comments of the Minister. That is not a substitute for an analytical look at the whole plan.

Deputy J.H. Young:

All Scrutiny Panels of course face the choice of the balance of work between post reviews, which commit them to very heavy work for long periods of time and what I would describe as real time updating with policy work. Because the Island Plan is so new and because the planning procedures that the Minister introduced when he was elected are also new, the feedback we have had is that these are bedding down. So therefore, at the moment, I think the balance is keeping on track with those but holding open the possibility of a much more in depth review, if it is required at a later date. But that will require resources. I am mindful, when I look back, the Deputy of course will be aware, he was a member of the 5 member Scrutiny Panel who reviewed the subject in February 2006 and the report took almost a year to produce. Of course, he was also a member of the 4 member political steering group that had a similar review reporting 6

months later. So I think that gives you the size of the task and I did look at the recommendations...

The Bailiff:

I think a concise answer, if you would, Chairman. Thank you.

Deputy R.G. Le Hérisssier:

On a matter of correction, it was just Deputy Baudains and myself who reviewed the planning process.

2.8.2 Deputy M.R. Higgins:

Could the Chairman tell us whether his panel has had complaints from people regarding the inconsistent nature of the planning process and many, many complaints regarding developers that seem to be being run around in circles and whether he is going to do any investigations into that aspect of the planning process?

Deputy J.H. Young:

I think most Members are aware that members of the public do have concerns over the planning system. There have been inconsistencies, we have heard them from various organisations, which we have aired with the Minister. I think it is fair to say that the Minister's responses have been constructive. We have not given him a soft hearing and if you look at the Scrutiny reviews, all that information is there. We feel that the general trend is positive but there will be, I am sure, a point at which an in-depth review will be required, but again, I have to be practical. At the moment, our resources do not allow us. If Members in the Assembly are minded to come and join the panel and help us with this, I should be absolutely delighted.

2.8.3 Senator P.F.C. Ozouf:

I have risen in this Assembly to ask the Chairman on a number of occasions, where he, in his previous life, was involved in policy evolution. I wish no criticism to the Chairman but when he speaks about other members of other committees having been formed part of analysis and conclusions, will he give an undertaking that where he was the chief officer and that he was responsible for some of the Island Plan policies that were approved by this Assembly - I lobbied him as chief officer on some of those policies - will he make it crystal clear where we was giving previous advice to the department? Will he remove himself from any perceived conflict of interest where he was involved as the chief officer in policies, which the Island Plan is involved with? Not only for his own protection, but also for the embarrassment of the officers that he worked with that he is now in a position of potentially criticising.

Deputy J.H. Young:

Wow. **[Laughter]** I am grateful that the Minister has now come out publicly and said the things that he has been saying privately to me since I have been elected as a States Member. I got elected to offer my skills to the Island to assist in planning and environmental matters. That was the mandate I was elected to do and I will fulfil it. I was aware that there are a number of members, and clearly the Minister for Treasury and Resources shares that view, that it was inappropriate for me to take this position as chair of the panel because I have a perceived conflict of interest. I do not accept that view. I was made redundant in 2004. I have had 8 years in the private sector **[Approbation]** and had absolutely nothing to do with Planning or States business. I ask the Minister for Treasury and Resources to accept my explanation. Please respect my integrity in this matter and leave it with me of how I conduct myself. He wants me to make it a personal statement, I will make it so, but I do not react kindly to those comments. I am sorry but I do not accept there is any limitation. If I find myself in a conflict, I will absolutely withdraw, as I always do.

2.8.4 Senator P.F.C. Ozouf:

Sir, he did not answer the question. I said where he was involved in previous policies, which he was, will he remove himself? That is all I am asking. Where he was involved in the evolution of a policy, which he is now criticising, will he remove himself? It is a factor that the current policies are an evolution.

The Bailiff:

Yes, you have asked your question, Senator. Yes?

Deputy J.H. Young:

I feel I have to... I am sorry to take the time of the Assembly but first of all, the Minister is saying that I am criticising policies. I am dealing with an answer of review of policies. He, I think, with respect went much further than to say that there was a conflict as far as those reviews of policies. I think he questioned my integrity as Chairman of the panel [**Approbation**] and I ask him to withdraw that, Sir.

The Bailiff:

I must confess, I did not understand him to be doing that. I understood him to be saying that if you identified a situation where you had been involved, would you declare it?

Senator P.F.C. Ozouf:

I said I do not wish any criticism, but for the avoidance of any criticism, where he was involved, will he remove himself? There are some occasions where that is the case and it is uncomfortable. That is all I am asking. I wish no criticism of him but we need to be absolutely clear about predispositions.

The Bailiff:

You have asked the question, yes.

Deputy J.H. Young:

The policies that would be subject to review will be the 2011 Island Plan. I have had absolutely no input into those policies or advice on them whatsoever. The planning procedures that the Deputy's question referred to, well those procedures produced by the political steering group was reported in 2011, which the Minister adopted in 2012. So I really cannot see that there is any connection between my history and the reviews that the Deputy's question is asking. But if there were a conflict, I would, of course, withdraw.

2.8.5 Deputy S.G. Luce of St. Martin:

Would the Chairman agree that the panel regularly discuss what they can do as a Scrutiny Panel and which issues they need to pursue as Back-Benchers?

Deputy J.H. Young:

Absolutely. Certainly in my Back Bench role, I certainly have dealings with a number of individual planning matters and in trying to help constituents and in fact citizens throughout the Island. But I absolutely, as I am sure the Deputy will know and so will the Constable of St. John, that I absolutely make sure scrupulously that those matters do not appear across the desk of the Environment Scrutiny Panel.

2.8.6 The Connétable of St. John:

So would the Chairman agree that he has the full support of the panel and that the panel would not allow any conflict or perceived conflict of the Chairman on any matter that comes before the panel?

Deputy J.H. Young:

I am grateful for the Constable's comments. Thank you, that is good to hear.

The Bailiff:

I take it you agree with him? **[Laughter]**

The Connétable of St. John:

You have not answered the question.

Deputy J.H. Young:

I certainly do, Sir.

2.8.7 Deputy T.M. Pitman:

The Constable of St. John really answered my question. If the Deputy has his panel's support then I would just like to add that I offer up full support in him and we have had a Minister for Home Affairs who is a former magistrate and it is no problem, apparently, so I really do not see the problem. He is doing a good job.

The Bailiff:

And so your question, Deputy, was...?

Deputy T.M. Pitman:

Do you agree that he is doing a good job? **[Laughter]**

Deputy J.H. Young:

I am doing my best. I am pleased that I have got the support of my panel. If I had not, I would not be here and I hope I enjoy the support of the Chairman's committee too.

2.8.8 Deputy G.C.L. Baudains:

Does the Chairman agree with me that there is a difference between the planning process and planning policies in 2011 Island Plan? Would he further agree with me that the planning process review, especially being as the Minister for Treasury and Resources outlined that he was Chief Officer of Planning... a review of the planning process should not take that long because it is merely an update of the work that myself and the Deputy Le Hérissier did.

Deputy J.H. Young:

It is a much-travelled path, reviews of planning. I can recall, I think, at least 10. They are all quite time consuming. It should not be a difficult task but it has proven to be in the past. I am quite open to keeping this matter under review and I particularly would very much welcome the chance to talk to the Planning Applications Panel as a whole about it. I think that would be a step forward. So that is something I think we can take from this exchange. I will certainly recommend that to the panel, we try and do that.

2.8.9 Deputy R.G. Le Hérissier:

Would the Chairman not admit that he has serious concerns and he is fully entitled to hold them? He has serious concerns about the coherence of the Island Plan and it would be very useful to the panel, to the Minister and indeed to the States as a whole if there were to be a proper study done of these concerns with the caveats that the Minister for Treasury and Resources mentioned. If there were to be a proper study done and presented to the House in order either to enhance that plan or to put people's minds at rest.

Deputy J.H. Young:

The Deputy is right that a review would be very, very useful and essential to the Island but the response I have made today is as Chairman of the panel and that response requires evidence based reviews. I have my own views and I can confirm that as an individual member, I have concerns. I confirm that, but the proper way for us to deal with that is through a process of review. Our resources at the moment are constrained. I have said that we will keep it under review. We will do our best. If we have volunteers to take on additional work, we will do so and we will bring the priority up if necessary.

The Bailiff:

Very well. In order that his Excellency's programme does not run too far behind schedule, I need now to leave and receive his Excellency, the Ambassador, and I will ask the Greffier of the States to take over before the next question is posed, which is a question from Deputy Higgins to the Chief Minister.