

5.3 Deputy J.A. Hilton of St. Helier of the Minister for Planning and Environment regarding discussions with the Channel Islands Co-operative Society regarding the planning application for Pitt Street/Dumaresq Street:

Has the Minister or any member of his Planning Applications Panel met or spoken with the management team of the Channel Islands Co-operative Society to discuss their planning application for Pitt Street/Dumaresq Street without planning officers being present?

Deputy R.C. Duhamel of St. Saviour (The Minister for Planning and Environment):

In order to answer this question, I have asked my Planning Applications Panel members to give me a written assurance as to whether they have or have not and the written assurances are as follows: Deputy Power: “No.” Constable Le Sueur Gallichan did not send in a written reply, but he has spoken to me verbally this morning and he has assured me no. Constable Gallichan: “No. I was also not part of the panel that considered the application.” Deputy Maçon: “No, I have not.” Deputy Baudains: “I have not.” Deputy Le Hérissier: “No, but I was invited and I declined.” Deputy Bryans: “No.” So it just leaves the Minister, and the Minister has spoken with the Chief Executive Officer of the Channel Islands Co-op and discussed a previous planning application in certain regards and that is it.

5.3.1 Deputy J.A. Hilton:

Can the Minister tell Members whether any member of the Planning Department, the planning officers, were present at that meeting?

Deputy R.C. Duhamel:

At the meeting that did take place, it was an invited meeting by the Chief Executive Officer to discuss the outcome of the Ministerial hearing in a particular regard, and that regard being the particular chronology of the whole sorry state of affairs that has gone on for at least 18 years, and to put the Minister in a position where he understood better the financial implications of a previous application. As I say, at that meeting no officer was present because no officer was invited.

5.3.2 Deputy J.A. Hilton:

Will the Minister agree with me that under the code of conduct that he has broken the code of conduct, that at all times the Minister for Planning or members of his panel should be accompanied by a planning officer when discussing planning applications with applicants?

Deputy R.C. Duhamel:

No, the Minister does not agree with that at all. The Minister for Planning and Environment has signed up to a code of conduct for consideration and determination of planning applications and pre-application advice. Under that particular code of practice, under point 3, it does suggest: “3.1 If there is a direct or indirect financial interest or prejudicial interest or where the Minister has been lobbied or has been subject to personal approaches for personal interests he or she would not be comfortable in disclosing, the Minister should regard him or herself as conflicted on receipt of an application and should not determine the application to ensure public misconceptions of undue influence do not arise.” The Deputy and Members of House will be aware that this Minister has not determined the application. The application has been determined or not determined, as the case may be, by the Planning Applications Panel, which is what the protocol asks me to do.

5.3.3 Deputy J.H. Young of St. Brelade:

Would the Minister tell the Assembly when that meeting took place, whether there was a note kept of it and whether or not the subject of alternative developments was discussed?

Deputy R.C. Duhamel:

I did not keep a note. Perhaps the question should be asked of the Co-op, of the Chief Executive Officer, and it is my recollection that no alternatives were discussed.

5.3.4 Deputy J.A. Hilton:

On reflection, would the Minister not agree that it is inadvisable for either himself or any member of his Planning Applications Panel to meet any applicants prior to an application being submitted or considered?

Deputy R.C. Duhamel:

I think as a general point this Minister would, but I would also state that this application has been going on for some 18 years. It has been discussed by many Members in the House, Ministers, ex-Ministers and Members to boot, and indeed it has gone on for far too long, so that does expose many Members to offhand discussions or comment or whatever over this particular application. But I say in general the Deputy is absolutely right, and that is why the planning inspector, working with myself when I was an Assistant Minister, worked up the code of practice. That is why this Minister has signed up to the code of practice and that is why the Minister has followed the code of practice in this regard.