

4.4 Deputy S. Pitman of St. Helier of the Minister for Planning and Environment regarding measures to ensure that the confidentiality of planning applications was maintained prior to a public meeting or the publication of a Ministerial decision:

What measures, if any, are in place to ensure that an officer of the department or a member of the planning panel does not discuss information about a planning application either before a public meeting or a Ministerial decision is published?

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

The process of dealing with planning applications is a public one and the planning and building law requires the Minister and the applicant to publicise that an application has been received. Additionally, the department makes all plans, documents and correspondence available on the States of Jersey website and the Parish Halls. Without this publicity, the public of the Island would not be aware of planning proposals which would potentially be harmful to their interests. Another purpose of this publicity is that it encourages debate and discussion on planning issues. Officers and members of the Planning Applications Panel are at liberty to discuss such information as are any other citizens.

4.4.1 Deputy S. Pitman:

How can it be acceptable that the Planning Applications Panel Chairman, Deputy Sean Power, approaches the media with false information that has not been discussed at a public hearing, such as falsely telling the media that special treatment has been afforded to the applicants and that they have not bothered to complete the right form, false information that is then printed in the *J.E.P. (Jersey Evening Post)*? What assurance can applicants have that their application is being handled professionally and has not already been decided upon?

Deputy R.C. Duhamel:

I would agree with the Deputy that the actions of the Planning Applications Panel Chairman were inappropriate and that an apology should be given. There are protocols in place whereby, for the consideration of the Deputy's application, the Planning Applications Panel Chairman has agreed that he will not be chairing that particular meeting.

The Bailiff:

Very well. Do you wish a final question, Deputy Pitman? This is in relation to your own application, is it? If so, I would have thought you ought, in fairness to Members, to have made that clear.

Deputy S. Pitman:

Yes, it is, Sir, but it is also a public matter.

The Bailiff:

Yes, I am not saying you should not have asked it but I think in fairness to Members to show that this is a matter in which you have a personal interest.

Deputy S. Pitman:

Well, I thought it was obvious because it was on the front page of the paper.

The Bailiff:

Well, I think you ought to declare it. Very well.

Deputy S. Pitman:

I so do.

The Bailiff:

Do you wish a final question?

4.4.2 Deputy S. Pitman:

Yes. How can the public have confidence in a chairman who, for no justifiable reason, chooses to discuss their application, of which I have evidence in this case with the media as well as other States Members, who do not have anything to do with the application panel or process prior to that application being considered by the Planning Applications Panel?

Deputy R.C. Duhamel:

I think the public can have and continue to have the confidence in the Planning Applications Panel Chairman on the grounds that he has had discussions with the Minister for Planning and Environment and is in agreement that his conduct in this case was in error.

Deputy T.M. Pitman:

With due respect, I had my light on throughout that, as Members can attest before you offered Deputy Pitman her last question.

The Bailiff:

I am sorry, Deputy, I did not see it. It is behind the Deputy of St. Martin's chair. Very well, then. You ask your question.

4.4.3 Deputy T.M. Pitman:

I ask the Minister if he thinks it is right - and this is not a criticism because I do support the Minister strongly - but can it be right that we have a Planning Applications Panel member sending around details with derogatory comments about planning applications to other States Members, all who have nothing to do with the planning application? Does he think that is acceptable? Will he ask him to consider his resignation because if he does not, I will be bringing a vote of no confidence in that Chairman, if I can.

The Bailiff:

That seems to be a repetition of the question that Deputy Shona Pitman asked but anyway.

Deputy T.M. Pitman:

It is about the email. It is totally inappropriate that the Planning Application Chairman ... I ask if that is part of the normal protocol, to send round derogatory comments and someone's planning application to Members who have got nothing to do with it.

Deputy R.C. Duhamel:

As I have outlined in my answers to previous questions, the Deputy was in error but I do not think he has gone as far as to warrant my asking for his resignation or indeed for this House to be calling for such in addition. Should people have a different point of view, then I am happy to take further steps in order to ask the Deputy if he would be in a position to make a public apology but that, I think, is as far as I should be going.