

4.17 Deputy J.H. Young of the Minister for Planning and Environment regarding the delegation of powers to officers to enter into planning obligation agreements which require land transactions and monies to be paid:

Will the Minister inform the Assembly whether he has delegated powers to officers to enter into planning obligation agreements which require land transactions and monies to be paid, as proposed for the Plémont development and, if so, does the delegation allow those powers to be exercised where there is a formal complaint pending under the Administrative Decisions (Review) (Jersey) Law 1982 which could justify independent investigation?

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

I can confirm that I have delegated powers to officers from my department to enter into planning obligation agreements relating to land transactions and the payment of monies. Having sought advice from the States Greffe, I can also confirm that there is no statutory requirement under the Administrative Decisions (Review) (Jersey) Law 1982 for me or my department to delay or stop the issue of the Plémont Bay Holiday Village planning approval and expect to issue the approval once the planning obligation agreement has been signed by both parties.

4.17.1 Deputy J.H. Young:

The Minister has said that there is no statutory requirement, but is there not a requirement of good justice and equity in the affairs of the way government makes its decisions that where a body puts forward a complaint using a procedure, which in his previous answer the committee explains is a vital component safeguard. Is it right? Is there not an argument that that transaction should be held back pending the outcome of the chairman's decision on that whether an inquiry goes ahead or not?

Deputy R.C. Duhamel:

I am not sure to what extent I should answer that question. Other than to say that no complaint as yet been made. The protocols for making that complaint have been suggested to me, that complaints can only be made once the decisions have been formally taken.

4.17.2 Deputy J.H. Young:

Can I seek clarification from the Minister? The Minister suggested there that a complaint has not been made in relation to the Plémont decision. Could he reconsider that? He suggested also that this decision on the planning obligation agreement is a new matter. Surely that is not the case. It is an integral part of this permission and a complaint has been made. Could he not confirm that?

Deputy R.C. Duhamel:

The complaint is to be made to the States Greffe.

The Bailiff:

I think the question was: has a complaint be made rather than to whom should it be made.

Deputy R.C. Duhamel:

I do not specifically have a complaint. I have a letter from a certain Mr. Dubras, outlining that perhaps I should withdraw and reopen the inquiry on specific grounds, to which I have replied. Having taken legal advice, we are where we are.