

**WRITTEN QUESTION TO THE MINISTER FOR PLANNING AND ENVIRONMENT
BY DEPUTY J.H. YOUNG OF ST. BRELADE
ANSWER TO BE TABLED ON TUESDAY 21st JANUARY 2014**

Question

Will the Minister provide the Assembly with the following information in respect of planning enforcement matters of which he is aware, in particular -

- (a) those matters which are the subject of outstanding complaints including those under investigation by the States of Jersey Complaints Board;
- (b) those matters which were the subject of recent decisions of the Royal Court to allow appeals against enforcement action previously taken by his Department;
- (c) the action he has taken to ensure independent investigations are made into these matters and compliance with the protocol he introduced for his Department's enforcement procedures following the findings of previous inquiries (Reg's Skips);
- (d) the arrangements for reporting the findings of these investigations;
- (e) the actions available to him in the event of investigations finding non-compliance with those procedures; and,
- (f) his intentions to ensure that all enforcement actions meet best practice and accord with H.M. Attorney General's guidelines?

Answer

- (a) *those matters which are the subject of outstanding complaints including those under investigation by the States of Jersey Complaints Board;*

The department has one outstanding formal complaint relating to building control enforcement, received in January 2014. The complaint concerns a Data Protection matter which is being investigated by the department.

I am not aware of any outstanding complaints being investigated by the States of Jersey Complaints Board.

- (b) *those matters which were the subject of recent decisions of the Royal Court to allow appeals against enforcement action previously taken by his Department;*

Taking recently to mean the last 12 months, The Royal Court has not allowed any appeals made against the serving of Enforcement Notices.

- (c) *the action he has taken to ensure independent investigations are made into these matters and compliance with the protocol he introduced for his Department's enforcement procedures following the findings of previous inquiries (Reg's Skips);*

In seeking continuous improvements in my Department, I asked for a review of the enforcement function for Planning and Building Services and this review is almost complete. The review has been led by the Deputy Chief Officer of the department, who has the relevant experience and expertise in enforcement matters in a different context but is not involved in the Planning and Building operations of the department. I am confident the service we offer will benefit from this review.

(d) the arrangements for reporting the findings of these investigations;

I expect to receive the review report with recommendations shortly and it is my intention to share this report with States members.

(e) the actions available to him in the event of investigations finding non-compliance with those procedures; and,

I will review the report and findings with the Chief Officer of the department and we will take the necessary and appropriate action to implement the recommendations of the review report.

(f) his intentions to ensure that all enforcement actions meet best practice and accord with H.M. Attorney General's guidelines?

I anticipate that the enforcement review report will highlight actions to be taken to improve the efficiency and effectiveness of the enforcement function and to meet best practice.

The H.M. Attorney General guidelines already form part of the enforcement function and are considered by my department and Crown Officers when dealing with enforcement matters.