

**WRITTEN QUESTION TO THE MINISTER FOR PLANNING AND ENVIRONMENT
BY DEPUTY M.R. HIGGINS OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 4th FEBRUARY 2014**

Question

Will the Minister advise members:

- (a) How many complaints have been made to his department relating to the activities and behaviour of his Enforcement Officers during the last five years, broken down by years?
- (b) How many times the Minister has had to apologise to complainants over the last five years, broken down by year?
- (c) How many times said officers have had to apologise to complainants over the last five years, broken down by year?

Will the Minister outline the process leading to the instigation of enforcement proceedings setting out the extent of any delegated powers?

Will the Minister set out the powers of Enforcement Officers?

Answer

The department receives both informal and formal comments and complaints in relation to its activities and many of these are progressed within normal department operations and help inform service improvements. All formal complaints are recorded and investigated.

- (a) *How many complaints have been made to his department relating to the activities and behaviour of his Enforcement Officers during the last five years, broken down by years?*

The department has received the following formal complaints in relation to enforcement officer behaviour:

Year	Number of Complaints
2009	0
2010	1
2011	0
2012	1
2013	2
	Plus 1 via the States of Jersey Complaints Board

- (b) *How many times the Minister has had to apologise to complainants over the last five years, broken down by year?*

The Minister has apologised in relation to enforcement activities over the last five years as follows:

Year	Number of Complaints
2009	Not known – previous Minister
2010	Not known – previous Minister
2011	Not known – previous Minister

2012	0
2013	1

(c) *How many times said officers have had to apologise to complainants over the last five years, broken down by year?*

The Planning and Building Division Enforcement Officers have not apologised to any complainants in the last five years.

Will the Minister outline the process leading to the instigation of enforcement proceedings setting out the extent of any delegated powers?

The Enforcement Team at the Planning and Building Division of the Department of the Environment investigates allegations of breaches of the planning law and the building bye-laws. Common complaints received by the team include:

- claims that development has been carried out without permission, or in a way that is contrary to approved plans
- allegations that the use of a property has changed without authorisation
- suggestions that motor caravans are being used for habitation without permission
- claims that illegal dumping of refuse has taken place

The enforcement team investigate the circumstances of the complaint and make recommendations so that the matter is appropriately dealt with. They will collate information, visit the site and contact individuals who may be involved.

If it is found that work has taken place without the necessary permission, they have the power to serve a notice requiring the land or buildings to be restored to the condition that existed before any illegal work took place. Failing to comply with the notice is an offence. However, wherever possible, matters will be resolved by agreement, or simply by inviting and processing a retrospective application.

The authority to serve a notice requiring works is delegated to officers of the Department.

There is a published guidance note on the States website:

<http://www.gov.je/PlanningBuilding/LawsRegs/SPG/PracticeNotes/Pages/Enforcementprocedure.s.aspx>

Will the Minister set out the powers of Enforcement Officers?

Article 122 of the planning law gives powers of entry to land or buildings officers to gather or record information in respect of that land or building.

The Minister for Planning and Environment's Scheme of Delegation allows Enforcement Officers to authorise the importation of caravans into the island.

The Delegation of Statutory Powers document dated January 2014 (ref: MD-PE-2014-004) is available to States members.

It would appear that Deputy Higgins has a number of queries regarding the enforcement activities of the Department. I will be inviting the Deputy to meet with me and some of my department senior officers to discuss enforcement activities further. I hope that we can clarify matters and answer any questions Deputy Higgins has more easily in a face to face meeting.