

**WRITTEN QUESTION TO THE MINISTER FOR PLANNING AND ENVIRONMENT
BY DEPUTY S.S.P.A. POWER OF ST. BRELADE
ANSWER TO BE TABLED ON TUESDAY 29th APRIL 2014**

Question

Given the success of the aquaculture industry locally is the result of hard work and big investment by local Jersey entrepreneurs in developing the oyster and mussel beds in the Royal Bay of Grouville, would the Minister advise whether he considers it acceptable for his department and the Economic Development Department to demand financial accounts to be submitted from these aquaculture companies or to consider threatening enforcement action against these operators if they refuse to submit financial information?

Can the Minister explain why financial accounts are being demanded when the States have no financial interest or involvement by grant aid or subsidy to this successful local industry that is largely export based?

Can the Minister confirm if any enforcement action could risk closing the companies?

Answer

Since the inception of the oyster industry in Jersey the use of the beach by those wishing to grow oysters and mussels has been under States authorisations. This was originally by an Act of Committee, and more recently by licence under the Ministerial system. The licensing authority is the Minister for Economic Development, and works pertaining to licencing and enforcement are carried out by officers from the Marine Resources team of the Department of the Environment on his behalf.

Licence conditions were and are attached to all authorisations. These conditions include making sure the site is tidy and not a hazard to the public, that measures are taken in respect of disease prevention and control, and include the provision to the licencing authority of business statistics.

Another licence condition requires the provision of financial information and this has been the case since the inception of the licensing process. Although historically this information has been agglomerated before being put into the public domain, it is recognised that publication is not popular with operators. The reason for the States requiring the information is to satisfy due diligence in respect of Financial Directions and helps give assurance that the applicant can cover liabilities in the event of that applicant ceasing trading, but it is currently under discussion as to whether the information should continue to be made available in the public domain.

All current operators have signed licences whereby they agree to abide with all conditions attached to the licence. It is therefore rightly required that all operators fulfil the conditions that they have agreed to in order to ensure that the controls mentioned above are met and also to ensure that no one party is disadvantaged by inconsistent compliance with legal requirements.

Officers from the Department of the Environment issue many hundreds of licences on behalf of the Minister for Economic Development with conditions which are required under the legislation passed by the States and I'm sure members expect these to be administered and enforced as set out in the Law. The Department will and does take the appropriate enforcement action in dealing with all offences under the Laws it is responsible for administering on behalf of the States, including breach of licence condition.

The Department of the Environment has significant interest in ensuring aquaculture is a successful industry and is committed to supporting it, as am I. The Department also has an obligation to ensure that public land is used appropriately. The aquaculture industry uses large tracts of the beach in the Royal Bay of Grouville and elsewhere, and it is right that individuals who financially benefit from the almost exclusive use of public property provide the necessary information to ensure proper, appropriate and beneficial use to the Island. It is right for Ministers to ensure due diligence in respect of companies that are prospering using some of our Island's most important natural resources.

Ministerial oversight for enforcement action rests with the Minister for Economic Development. It is however my understanding that breach of licence conditions, as with all enforcement action taken are dealt with in accordance with established protocols and adhere to any penalties as set out in the legislation or the licence conditions. In this case the licence clearly states that failure to comply with any of the above terms and conditions may result in withdrawal of the concession.

I am not in a position to advise whether companies could be closed by enforcement action as such action does not necessarily end in financial penalty.