

2020.02.04

2 Senator K.L. Moore of the Chair of the Privileges and Procedures Committee regarding ‘States of Jersey Complaints Board: Findings – Complaint by Mr. T. Binet and Ms. R. Binet against the Minister for the Environment regarding the processing of planning applications by them and the various companies which they have significant interests (R.125/2019) – Response of the Minister for the Environment (R.125/2019 Res.) – Response of the Complaints Board’ (R.125/2019 Res.Res.): (OQ.26/2020)

Following the publication of the response of the Complaints Panel to the Minister for the Environment’s response to the Panel’s initial report on the processing of planning applications, what action, if any, does the Chair propose to take in relation to this matter?

Deputy R. Labey (Chair, Privileges and Procedures Committee)

In relation to this matter the Minister has taken action. He has appointed a U.K. (United Kingdom) independent planning inspector to review the entire case that is the subject of this particular complaint. In my discussions with the Complaints Board, they are appreciative of that. They think it is the right course of action and they are pleased to see that that is going to happen.

4.2.1 Senator K.L. Moore:

I am grateful to the Chair for his clarification and, of course, that has occurred since the lodging of this question, which I should have perhaps altered in light of those actions. But this is a rather unusual situation, where a Minister has actually taken action following a response of a Complaints Panel. The usual method is to simply give a response and not offer any redress, or action. In relation to other cases, does the Privileges and Procedures Committee feel that greater emphasis needs to be put on Ministers to provide action and/or redress to complainants who are found in favour of?

Deputy R. Labey:

Just on a protocol, P.P.C. is the conduit for the Complaints Board to publish their findings. We do not actually comment on the findings ourselves. As long as the findings, or whatever they want to publish, is within their terms of reference - and this matter clearly was and their second report on it clearly was - and so P.P.C. will publish what they want published. P.P.C. has never, to my knowledge, worked as an enforcer, badgering Ministers to enforce the recommendations of a Complaints Board finding. We do hit the age-old problem with this in that a non-elected body ... it is difficult and perhaps not correct for a non-elected body to force an elected Minister to a certain course of action. But if the Senator is asking me personally if I feel that there have been poor responses from Ministers to Complaints Boards’ findings I would have to agree with her.

4.2.2 Senator K.L. Moore:

I understand absolutely the Chair’s response there and thank him for it. But does the Chair and does his Committee feel that the process in relation to the Complaints Panel is adequate and are they considering further tightening up of the system, or are they waiting for the Chief Minister to bring a Public Sector Ombudsman, as promised, to the Assembly?

Deputy R. Labey:

The Committee have discussed, this is very much a hot topic at the moment. P.P.C. have discussed, on the invitation of the Chief Minister, the suggestion for the Complaints Board to be replaced by an Ombudsman and we have sent our thoughts on that to the Chief Minister.