
STATES OF JERSEY



STATES OF JERSEY COMPLAINTS BOARD: FINDINGS – COMPLAINT AGAINST A DECISION OF THE MINISTER FOR PLANNING AND ENVIRONMENT (R.144/2013) AND RESPONSE OF THE MINISTER (R.154/2013) – CORRESPONDENCE FROM THE DEPUTY CHAIRMAN OF THE BOARD

**Presented to the States on 11th February 2014
by the Privileges and Procedures Committee**

STATES GREFFE

FOREWORD

Article 9(9) of the Administrative Decisions (Review) (Jersey) Law 1982 requires the Privileges and Procedures Committee [PPC] to present to the States the findings of every Complaints Board hearing and any other information or report that it receives in this regard.

On 19th November 2013, PPC presented to the States the findings of a Complaints Board held on 23rd October 2013 to review a decision of the Minister for Planning and Environment (R.144/2013). Following the Minister's reconsideration of the decision as required by the Board, the Committee presented the response of the Minister to the States (R.154/2013).

The Committee has since received correspondence from the Deputy Chairman of the Board regarding the response of the Minister for Planning and Environment. The correspondence is being presented to the States in accordance with Article 9(9) and the Committee will consider the matters raised in early course.

Deputy M. Tadier of St. Brelade

Vice-Chairman, Privileges and Procedures Committee

**LETTER FROM THE DEPUTY CHAIRMAN OF
THE STATES OF JERSEY COMPLAINTS BOARD**

Dear Chairman and Members of the Privileges and Procedures Committee

Administrative Decision – Mr. Manning vs Planning and Environment

As you are aware, a Board which comprised Christine Vibert, Deputy Chairman and Messrs. Geoffrey Crill and John Mills, presented its findings from the hearing convened on 23rd October 2013 to your Committee in November 2013. This was subsequently presented as a formal report ([R.144/2013](#) refers)

The Minister for Planning and Environment responded on 18th December 2013 ([R.154/2013](#) refers). Mr. Manning is dissatisfied with this response and has requested that the Board make a further comment on the matter in accordance with Article 8 of the Administrative Decisions (Review) (Jersey) Law 1982.

The Minister's response acknowledges that the Board had suggested that Mr. Manning be invited to submit an application or consent for a non-agricultural storage use on the site, but he insinuates that this suggestion implies that such an application will undoubtedly be approved. The Board is a properly constituted body with a duty to look at matters dispassionately and it would never assume to predetermine the outcome of a review. The Board wishes to make it clear that it did not recommend that Mr. Manning's application be 'rubber stamped' and is unsure how this could be construed from paragraph 6.9 of its findings. Quite the contrary, the Board was recommending that the Department revert to its own proper process for consideration of applications, rather than follow the ad hoc unaccountable process which it had appeared to adopt in dealing with Mr. Manning's case. The recommendation was that Mr. Manning be invited to re-apply for change of use and that the correct processes should be applied on this occasion in determining this application.

The Board is concerned that the Minister rejected the comments made concerning the application of the so-called '8 year rule'. The Board requested that the Minister offer guidance on the rule in future, because even if there was no result for Mr. Manning, the 8 year rule certainly needs clarification within the law.

The Board recognizes that it can only make recommendations to Ministers and Departments and these are not binding. It is nonetheless disappointing for the Board to have its findings insufficiently considered or implemented. The Board requests that the Committee considers what action it might wish to take if Ministers persist in ignoring Board findings, leaving the public with little or no recourse. This has the potential to seriously undermine the Panel's role.

Christine Vibert
Deputy Chairman
States of Jersey Complaints Board