



Public Accounts Committee

Handling and Learning from Customer Feedback and Complaints Review

Witness: Chief Officer, Infrastructure and Environment

Wednesday, 4th December 2024

Panel:

Deputy I. Gardiner of St. Helier North (Chair)

Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter

Deputy R.S. Kovacs of St. Saviour

Deputy K.M. Wilson of St. Clement

Mr. V. Khakhira, lay member

Mr. G. Phipps, lay member

Ms. L. Pamment - Comptroller and Auditor General

Ms. H. Thompson - Deputy Comptroller and Auditor General

Witnesses:

Mr. A. Scate - Chief Officer, Infrastructure and Environment

Ms. S. Knight - Head of Governance and Change

Ms. I. Teslaru - Business Change Manager

[14:00]

Deputy I. Gardiner of St. Helier North (Chair):

Good afternoon and welcome to the public hearing of the Public Accounts Committee. Today is 4th December and this public hearing is with the Chief Officer of Infrastructure and Environment. I would like to draw your attention that this public hearing will be filmed and a transcript will be published

afterwards on the States Assembly website. All electronic devices - I just remind myself as well - including mobile phones should be switched on to silent. We will start with introductions. Deputy Inna Gardiner, Chair of the Public Accounts Committee.

Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter:

Deputy Kristina Moore, Vice Chair.

Mr. V. Khakhira:

Vijay Khakhira, lay member.

Deputy K.M. Wilson of St. Clement:

Deputy Karen Wilson, panel member.

Deputy R.S. Kovacs of St. Saviour:

Deputy Raluca Kovacs, member of the Committee.

Mr. G. Phipps:

Graeme Phipps, lay member.

Deputy I. Gardiner:

Then attendance of Comptroller and Auditor General.

Comptroller and Auditor General:

Lynn Pamment, C. and A.G. Thank you.

Deputy Comptroller and Auditor General:

Helen Thompson, Deputy C. and A.G.

Chief Officer, Infrastructure and Environment:

Andy Scate, Chief Officer for Infrastructure and Environment.

Head of Governance and Change:

Stephanie Knight, Head of Governance and Change.

Business Change Manager:

Ioana Teslaru, Business Change Manager.

Deputy I. Gardiner:

We will start the first question with Deputy Kovacs.

Deputy R.S. Kovacs:

Infrastructure and Environment as a department received the second most complaints and compliments, 336 complaints and 163 compliments, in 2023. How does this affect your resources?

Chief Officer, Infrastructure and Environment:

Yes, it is a good question. We do have some dedicated focus on complaints. Certainly, this year, last year, it has been a big focus for us as a department. We centre most of our co-ordination of complaints within our head office for administration. We do rely on obviously complaints to be dealt with within the department, so where the services are. So does it affect resources? It does affect resources. It does take people's time. It does take time out of the week to deal with those. But I guess it is part of our job. As a department we are very interactive with the public. We have a lot of interactions with services that people do not choose to take from us, that they get ... we look after the environment, we look after a lot of physical things, so a lot of our customers are also passive customers as well as active customers. So I guess it is one of those that, yes, it does take resource but it is one of those areas that we accept.

Deputy R.S. Kovacs:

Would you say you have sufficient resources to address in a timely manner the complaints coming in?

Chief Officer, Infrastructure and Environment:

On the whole I think we do. It is always nice to have more resource. We could do more with more. But I think on the whole we do. I think our response rates are generally good and we always try and get back to customers within the time that we should get back to them using the system. So it has been a real focus for us over the last 24 months. So I think on the whole the answer is probably a neutral answer. We could do more with more, for sure.

Deputy R.S. Kovacs:

What do you say are the main reasons or themes you see in the complaints and how do you plan to address those?

Chief Officer, Infrastructure and Environment:

Because we have such variety of services, we get a lot of reports of complaints whereby things are broken, there is a pothole, there is a tree falling down, so people use a lot of interactions for reporting. We also provide quite a lot of services that are permitting; as an example, you apply for things. So we get a lot of interaction with customers who ask for permits. People who are regulated against.

Not everyone likes to be regulated against. So it is a real variety of things. We get probably ... how do I get services, property becomes ... we deal with all Government property so we get quite a lot of comments around that. Probably behaviours. It is about customer behaviours, I think, probably as well. Then in some of our high-profile decision-making areas it is probably unsurprising we get a bit of complaint in those or more customer interaction, with planning decisions being examples. But some of our regulatory services, we have a lot of people who apply for things and a lot of people who interact with us because they do not like people applying for things as well. So it is a real mixture.

Business Change Manager:

If I could add to that, what we try to do and we have ... this is part of my role as Business Change Manager with responsibility across Infrastructure and Environment that I am responsible for designing and driving our customer action plans as part of our customer strategy. So we always strive to look at lessons learned and opportunities to improve and trying to shape, I suppose, our customer centric culture in I. and E. (Infrastructure and Environment), which we are in the process of maturing. Just to highlight the top 3 things and how these have changed from 2023, we had in 2023 how I access services, property and assets, and attitude and behaviour. Through our customer action plans, our training, our communication to staff, we have tried to make sure that we have fewer complaints and feedback that stems from and relates to attitude and behaviour. It was pleasing to see that we have achieved that in 2024. Now our top 3 themes are how I access services, property assets, which again for the nature of our services that we provide in our department is always going to feature in the top 3, but then the third one was consistency of information, which now gives us another challenge to try and address that. But that is always something that we strive to do, to look at lessons learned and make sure that our colleagues in our department do everything possible to meet customers' needs.

Deputy R.S. Kovacs:

Thank you. That is helpful. I am not sure how much that you brought with you, but it would be useful to understand both in percentage and numbers from the total complaints you received how many were upheld and how many unresolved and what were the reasons.

Chief Officer, Infrastructure and Environment:

Okay.

Head of Governance and Change:

I do not think we have that precise data. However, we did look into the data relating to the unresolved.

Deputy R.S. Kovacs:

Do you have it to send it at a later date or you do not gather that data?

Business Change Manager:

I think I can talk a bit around this.

Head of Governance and Change:

Yes, we have the themes.

Business Change Manager:

So we had in 2023 - and I understand that this is information that was provided to the panel initially - we had a number of what was classed as unresolved complaints but I know the terminology has changed to make it a bit more accurate. So it was really cases where we could not really address what was being raised. So we had I think it was 63 cases in 2023, but just to put it in context that was 0.08 per cent of the total cases that we received in terms of feedback. So we always strive to make sure that we resolve the feedback that is presented to us. In comparison, because of course we always look at our unresolved complaints, in 2024 we have managed to drive that number down to 33 to date. Of course, there is another month to go. But that is 0.04 per cent compared to 0.08 per cent.

Deputy I. Gardiner:

Just a minute, just a minute, something is not matching up for me and I need to understand. So you have 336 complaints and 163 compliments, so from 336, 63 cases unresolved does not sound like zero whatever.

Business Change Manager:

I suppose I am using figures that are more up to date now, up to November. So we had ...

Deputy I. Gardiner:

No, no, how many complaints did you have?

Business Change Manager:

Okay. In the period the first quarter ... 3 quarters of 2024, we had ... let me just have a look. We had 774 pieces of feedback in total in the department.

Deputy I. Gardiner:

How many complaints?

Business Change Manager:

Complaints, 343, but my percentages were worked off the base of the total volume of feedback and not necessarily just the complaints.

Deputy I. Gardiner:

So for me, like, you have complaints and there were complaints that are not resolved. I think that the numbers needs to be from the complaints and not through the ... but it is okay. So we have ... how many complaints did you have?

Business Change Manager:

We had 343 complaints in 2024 between 1/1/24 and ...

Deputy I. Gardiner:

And 33 were unresolved?

Business Change Manager:

... 30/9, and 33 were unresolved, yes.

Deputy I. Gardiner:

Or un-upheld, not ...

Business Change Manager:

Yes, exactly, unable to ...

Deputy R.S. Kovacs:

What were the reasons for the ones you were not able to address?

Business Change Manager:

Well, I know the information that you received from 2023, we had a spike in complaints related to Fort Regent. That was really around the decant of sport from Fort Regent and opening of the new gym at Springfield. There were a number of reasons. One, customers were using our feedback channels to vent their frustrations following the public consultation that had closed at that point because they felt that their concerns were not being addressed or they were not being heard. So they were raising issues around the differences in space provision at the new gym at Springfield compared to Fort Regent. They were complaining about the lack of sauna, for example, but we could not make provisions for that at Springfield due to limitations with space there. They were complaining and providing feedback with regard to the showering facilities. Of course, there was much more space at Fort Regent compared to Springfield. The size of classes, gym classes, of

course, we had to reduce the size to meet the space provision in Springfield and we had much bigger rooms at Fort Regent. So it was frustrating for us because we knew we could not do anything with that feedback. But we also knew there was ...

Deputy I. Gardiner:

Just a minute. You could not do anything with this feedback, I understand, because it was after, but Government should do something with this feedback because we are talking about customers that are not happy with the services that have been cut and we have provided. So what Government is doing, how you took this feedback, analysed the feedback, where this feedback was presented and how this feedback would be addressed, instead of saying it is unresolved, we closed it, we will forget about it.

Deputy R.S. Kovacs:

So was this signposted at all to other departments to look into it?

Chief Officer, Infrastructure and Environment:

So, for instance, there was certainly a wave of complaints when people went from the Fort gym to the new gym. Some of that is just because it was new and some of that has now died off again because people had to travel differently and park differently. There were certainly different sort of arrangements. If I look at class bookings, for instance, at Springfield, we have had a lot of people trying to book into classes which I guess we are a victim of our own success, a lot of people want to access the classes. What we have been trying to do is make sure that if people are block booking and not turning up ... it is the "do not shows" on the bookings, it is taking capacity out of the system. So I guess the active team are constantly looking at people who are booking and if they are not turning up for their sessions then we have to be ... we are a lot clearer to those customers you cannot book 10 sessions ahead, you have to turn up for your sessions. So some of it is because it is a different environment. We have had new premises and they are just different from the previous premises. So we had for a period of time a lot of people not happy. We also had the vast majority of people who were quite happy as well, but they do not choose to tell us. That has now dropped off a bit. So it is just one of those areas where ...

Deputy I. Gardiner:

No, but to be honest we had reduced services to the public. We have gone from 2 gyms, 2 sport facilities, to one sport facility which is smaller, the one that is smaller than the previous one.

Chief Officer, Infrastructure and Environment:

Yes.

Deputy I. Gardiner:

So we do have reduced sport facilities. Now, the feedback was we are not happy with only this place, one small facility. On your department level I completely understand you cannot address this and it is not about you. The question from Deputy Kovacs was how you signpost where you have raised and what is happening to address the concerns that were raised. It was not specifically for your department but it was, like I said, useful actually saying what we are thinking about sport facilities on the Island, and if it will be addressed.

Chief Officer, Infrastructure and Environment:

Yes. So some of the conversation around active is new gym facilities at Oakfield as well as the new sport centre at Oakfield. The new Oakfield sport centre is under construction, but certainly the gymnasium is a new offer at Oakfield. So in terms of some of the customer responses, we cannot immediately sort that out but we are aware of where people ... some of the response is you will get used to these new services, they are just different, and a lot of customers say that is okay, we are now happy, we have got used to the new arrangements. Some people have chosen to go to other private gyms rather than our own public gyms, and some are looking at the future thinking, okay, well, I cannot wait for that new facility, so I guess it is a combination of all of those.

Deputy R.S. Kovacs:

What I would ask as well is due to the nature of your department is there crossover on what is in complaints with the parishes, the parish responsibilities?

Chief Officer, Infrastructure and Environment:

Certainly, we get ... yes, there is. So where we have certainly reporting of faults, if I can call them that, of walls, roads, trees, generally a lot of Islanders may not necessarily know whether it is a Government road, for instance, or a parish road, so our Love Jersey app is where we get a lot of reporting through. Within there, the job gets allocated to whether it is parish authority or Government authority to deal with.

Deputy K.L. Moore:

I was simply going to ask really, given that we are at the bottom of the O.E.C.D. (Organisation for Economic Co-operation and Development) league table in terms of civic engagement, does the department and also alongside its fellow departments take into consideration any response when you see a spike in activity in relation to a particular issue?

[14:15]

On the one hand perhaps there is a duty to celebrate the fact that people are expressing their views and having a voice, and so in terms of that response is there consideration given to the importance of people feeling able and open to expressing their views when giving and handling the response?

Chief Officer, Infrastructure and Environment:

I would say we are very encouraging. We want more feedback and I think our stats for this year, there is more feedback coming into the department than last year. We do get an awful lot of feedback. One of our big challenges is making sure we record that feedback. So a lot of people, certainly whether it be staff or customers, may not necessarily say: "I want that logged as a complaint" or a compliment, so some of it is we do training around that to make sure that if we are getting that coming in we are logging it on the system effectively so we can capture more of that.

Deputy K.L. Moore:

Yes, but will the people who have raised those issues about Springfield, to stick with that example, have seen that their feedback has been accepted or at least acknowledged and some changes have been put into place in result of their feedback?

Head of Governance and Change:

One of the things that we introduced this year was a "you said, we did" type campaign. We felt that was really important to use the social media platforms and then share that information because obviously it is all valuable feedback. All of our feedback is acknowledged. It is passed on to the relevant case manager and responded as quickly as possible. So yes, it is prioritised, yes.

Chief Officer, Infrastructure and Environment:

Are we perfect? We are probably not perfect, but certainly over the last couple of years we are making real efforts to make sure we are encouraging response, logging and getting back to people on a more regular basis. We are certainly not there yet but I think the trend is good. There is something I do every now and then. I will go into the system, see what is outstanding and I will chase officers to say: "You have a complaint that is outstanding and it is due in 2 days. Are you on it?" type dialogue. Generally, people are really aware they need to respond to customers.

Head of Governance and Change:

Conversely, with compliments as well, we ensure that those are passed on to colleagues so that they know that there has been a compliment about the work that they have done and the service they provided. We also ensure that we share those compliments on our internal engagement comms channels as well. So we are highlighting where we can improve but we are also sharing good practice about where things have gone really well.

Business Change Manager:

In terms of issuing acknowledgements, we have tried to make our processes even more robust. So we take ownership within head office to make sure that the acknowledgements are sent within 48 hours so that people know that their feedback has been received and it has been passed on. We provide information with regards to the next point of contact.

Deputy I. Gardiner:

But would you follow up? Like, for example, you know there is nothing to do with the showers or ...

Business Change Manager:

Yes, always.

Deputy I. Gardiner:

So you said: "Thank you for submitting." What would be the next one?

Business Change Manager:

Always they would then get a response to the actual feedback that they have provided. If there is a need for an extension because maybe the nature of the feedback that was provided requires more time for investigation, we make sure that members of the public and the people that have presented that feedback know and we manage those expectations because we know it is frustrating when you are sitting and waiting for a response and it does not come.

Deputy R.S. Kovacs:

Talking about the total number of complaints in 2023, how many of those has been necessary to go to stage 2 or 3 to be seen by a more senior ...?

Business Change Manager:

We do not have those numbers here from the top of our heads, but we can provide that.

Deputy R.S. Kovacs:

Yes, please. Thank you.

Chief Officer, Infrastructure and Environment:

Yes, certainly at stage 3, because that is when I tend to get involved, I do not see that many of those. If I can think about the last maybe one or 2 months, I have probably had maybe 2 of those at that level. We do resolve quite a lot within the system and the wider departmental system.

Deputy I. Gardiner:

In what themes it was ... what are the themes that came to you, kind of general?

Chief Officer, Infrastructure and Environment:

Generally, I think we have a struggle with ... a lot of people are logging complaints which may not be appropriate for the system because they are really complaints about a decision, which there might be other remedies for. So if I look at planning or if we issue regulatory decisions, that is a good example where people are ... they really want to complain about the decision they have received and they really should be going through an appeal or another form of complaint process. Or we get complaints where we have chosen not to act and we have not regulated because it has been a small scale. I certainly see the last ...

Deputy I. Gardiner:

Around the regulations.

Chief Officer, Infrastructure and Environment:

The last 2 occasions I have seen it is where people think we should have done more and it is around the lack of action rather than the action prompting an appeal. I think that is one area where we are working with our regulation directorate on we have to explain when we do not act as much as when we do act. Because obviously when we do act, some people do not like that either. But I think we need to explain more why we have not acted in some respects.

Deputy I. Gardiner:

Okay. Thank you.

Mr. G. Phipps:

I think you have addressed ... I had 2 lines of questioning and one was the improvements made based on your customer feedback, and I think you have given some good examples of specific feedback.

Chief Officer, Infrastructure and Environment:

Yes.

Mr. G. Phipps:

Had you considered or what steps are you taking at a macro level to share with the public at large the kinds of changes you are making and the things that are happening so that the ...

Chief Officer, Infrastructure and Environment:

Yes.

Mr. G. Phipps:

Have you thought about that and if that is in place at a macro level?

Chief Officer, Infrastructure and Environment:

We have thought about it and actually just preparing for this process has been really useful because it has prompted us to think what we should be doing is a regular public report on what we are doing with our customer data. We have a lot of customer data. We have a lot of customer interactions. We tend to keep that to ourselves. We talk to the customer but we do not talk more widely about that. So we do not produce an annual customer report of any kind. But this process has been really helpful because we actually have a lot of data here ...

Deputy R.S. Kovacs:

We can ask you to come more often. **[Laughter]**

Chief Officer, Infrastructure and Environment:

... which we could really easily produce, whether it be yearend or a half year report. So I think it is something we ...

Mr. G. Phipps:

I think that is 2 things. It could demonstrate you are listening and it could also demonstrate that sometimes it makes a difference, so I ...

Chief Officer, Infrastructure and Environment:

I think one of the challenges we have had as well, some of our customer interaction is about education as well, saying this is what we do for you in the Island. We do an awful lot of public service and so we have been trying to address some of that. We have our "Keep the Island running" campaign and things like that, so a bit more proactive messaging. But certainly I think the, yes: "You said, we did, and this is what has resulted", I think we could do a lot more on that.

Mr. G. Phipps:

The other side of that is the receptiveness to receive complaints because that could turn people off very quickly. You mentioned a little bit about the kind of training. What kind of initiatives do you have to enable the organisation to be receptive to complaints and handling them?

Chief Officer, Infrastructure and Environment:

There is quite a lot to say on that. From my perspective, firstly we ensure that our management structure have customer care and customer within their objectives. So that is a key thing for us. We

are telling all of the extended management team and the leadership of the department that customer behaviour is important. So that is the key thing, and then we do quite a bit of training, which I can hand over to Stephanie to talk about.

Head of Governance and Change:

We have a whole range of training. We have the corporate training. So we have some mandatory online training that all colleagues have access and are required to do. We have some bite-sized, like espresso sessions, like 2 hours that managers can access. We have various online e-learning training as well, but we also ensure that we have in-person training because obviously that is really important, using real-life scenarios, so taking previous cases, anonymising them, of course, and then using those in the classroom in-person sessions. We have done that in conjunction with C.L.S. (Customer and Local Services), who have provided a lot of support for us. But we have also done that in-house in I. and E. as well in the areas where we have seen spikes in feedback. We have then used their scenarios and then gone over that with them. So there is lots of interventions in place to provide that support and just improve engagement and awareness and training really with those individuals.

Mr. G. Phipps:

So the exact opposite of this question is: how do you ensure ... because you can do everything and our budget can go skyrocketing, so how do you ensure that the kinds of actions you are taking are cost-effective in getting a bang for your buck? I suspect that lies on your shoulders.

Chief Officer, Infrastructure and Environment:

Yes. I guess my view on that is it is part of everyone's day job, effectively, because we deal with every Islander every day. So whether they like it or not, most of the Island interacts with our services. So I guess whatever we do, whether it be walking on the road, swimming in the sea, walking on the beach, putting your bin out, we are involved in people's lives from dawn to dusk literally at every point of their journey through the day. As a result of that, what we try and make clear at our induction sessions, at our training sessions, at our management sessions, that we are part of people's lives. From first flush to last light, effectively, we have been there somewhere in your journey. Whether you have eaten out or you have been online shopping, whether you have been swimming in the sea, whether you have been in a government building, I. and E. has been there somewhere. So I think for me it is part of our day job. We have to take it on.

Deputy I. Gardiner:

If I am asking if there are any other examples similar to the Fort Regent example when you are collecting customer feedback that is actually not for your department, you have just been chosen to submit feedback, do you have any other examples?

Business Change Manager:

We have probably a good example that springs to mind and it was an example where we had to take a bit of action but it was spanning across departments, and this is something that we have tried to do a lot as part of our customer strategy and action plans this year to inspire colleagues to own our customers so that ...

Deputy I. Gardiner:

Can you give me an example specific, yes?

Business Change Manager:

Of course. So this particular case was related to lack of clarity over the need to apply for planning permission when applying for hosting weddings at a specific venue, for example. There was no information on the website of the superintendent registrar's office. Of course, this case spans across departments and agencies, so what our colleagues in planning did, they made sure that the customer was only liaising with us. So they got a response from us but we took ownership. We liaised with the office of the superintendent registrar, made sure that their website was updated with the relevant information for planning. We also looked for opportunities to make it even better, hopefully, to make sure that this does not happen again. Our colleagues reached out to the Comité des Connétables, so we are trying now to work with parishes. So when Constables, as part of the process of applying for a wedding permit, they speak to members of the public, they then consult themselves with the planning team on behalf of that customer to ensure that the need for a planning application is then communicated to the customer.

Mr. V. Khakhira:

So you have mentioned that you have a vast number of different activities.

Chief Officer, Infrastructure and Environment:

Yes.

Mr. V. Khakhira:

One specific one is your enforcement function. Can you tell us something about the complaints received for enforcement, the themes, the numbers that have escalated, things like this, please?

Chief Officer, Infrastructure and Environment:

Yes. We have compliance functions around a number of regulatory decisions. A lot of those are centred in our regulation directorate, so they are planning and building related, so construction related. We also have a lot of nuisance complaints in our environmental health consumer protection

function. So they range from people have built things in the wrong ... it tends to be neighbour complaints against neighbour. Someone has been up to something next door and we often find ourselves between neighbours because of building, generally. Or we find ourselves between neighbours on noise nuisance or dogs or animals and those sort of things, smells. We also regulate housing complaints, so housing standards. It is a vast variety of things in that area. We have other regulatory functions around highways, drainage, things like that. So we get, for instance, drainage smells because people have been putting the wrong things down the drains and they are blocked and those sort of things. So there is a real variety of incoming complaints. Our general approach is a lot of is education. We have to educate first of all. Some people just do not know the rules, so we have to do that. Persuasive compliance I guess is our phrase. We have to try and get people to comply. Most of what we deal with is not life or death matters, so we try and get resolution through persuasion. It is quite rare for us to get to the final end of that approach where you have to issue formal notices and go to court. It is single digit percentages; one or 2 per cent I think would probably be in that category. Most of our complaints are resolved by visits, whether it be to restaurants, whether it be to neighbours. Sometimes we obviously have to issue notices, statutory nuisance notices, those sort of things around noise, smells, planning enforcement. A lot of our planning enforcement tends to be small-scale building. It is generally neighbour disputes I would really summarise as.

Mr. V. Khakhira:

So you are describing the requests for services that come into your department, whereas I think we are more focused on the complaints about the service that is provided.

Chief Officer, Infrastructure and Environment:

Yes. So we have a lot of customer interaction because ... that people are not applying for things but they are complaining about things that are occurring in the environment. So that is where most of our enforcement cases are. Most of our complaints around service are those people who are applying for things and they feel either they have not had the decision that they wanted, they may have not had the decision in a timely enough fashion, not quick enough, or they may feel it has been a bit officious. So they tend to be in those sort of areas, really.

[14:30]

Mr. V. Khakhira:

Okay. But drilling down into specific enforcement, so a decision has already been made and now it is the relevant officer's job to go out and enforce that decision, whether it is a planning decision or so on and so forth. Do you receive complaints, a substantial number of complaints, in relation to that particular function?

Chief Officer, Infrastructure and Environment:

We do get some complaints because generally people do not like to be enforced. So they will feel hard done by that they have been at the sharp end of the department. What we try and do, as I say, is to try and do that in I guess as gentle enough way as possible because persuasive compliances are our mantra, I think. But people sometimes break the law because they do not understand the planning law on these sort of things. Sometimes people get a refusal for a planning consent and go and build it anyway. That is when to a degree they should know better because we have already been formal about it and they will often get an enforcement notice. So there are cases where we issue a formal legal notice. You have to comply within a certain time. If you do not comply, you will end up being taken to court. Most of the time people will comply but, as I said, it is quite a small percentage.

Mr. V. Khakhira:

But if these result in complaints about the department?

Chief Officer, Infrastructure and Environment:

We do get complaints. Yes, we do get complaints. Some people, they sometimes will feel we are being heavy handed. I think enforcement is a really delicate area because as much as people complain about being enforced against, there is always complainants who have raised the case in the first place and want a lot more punishment in the system. We try and be even handed to both parties. I think that is probably one of our real challenges. Because if you are complaining against somebody, you tend to want them punished. They have broken the law; I want something. Whereas we are trying to be even handed. It may be a business. We have to be even handed to them as well. So yes, it is quite a difficult balance for our compliance functions. So that is why it is a struggle often. There is often no right answer.

Deputy I. Gardiner:

I am just minded about the time. Do we have another 10 minutes if we need to?

Chief Officer, Infrastructure and Environment:

Yes, of course.

Deputy I. Gardiner:

Because we have more than we expected.

Chief Officer, Infrastructure and Environment:

I am talking on behalf of Stephanie and Ioana but I am sure we can, yes.

Deputy K.L. Moore:

So moving on to the regulatory and the planning aspects of your department, what percentage of complaints received tend to relate to those aspects of the work?

Head of Governance and Change:

We do not have the precise data for that with us. We can provide that afterwards. I would say we have an even split across our services. We do, of course, see those planning ones but there is a mixture. Some of the more complex stage 3 ones have been more focused in that area for the reasons that you have just described in terms of that.

Chief Officer, Infrastructure and Environment:

We can certainly get a breakdown of what is currently in the system and what we seen in the system. I think the challenge we have, certainly in planning services, is that we get the complaints system being used as a bit of a proxy appeal. There is a formal appeal system against decisions that people can use, but obviously that is a paid service with the Judicial Greffe, so people have to pay to appeal. It tends to be a first party or third party appeal on a decision. A lot of interactions are I would pretty much summarise that applicants tend to want a yes very quickly and complainants or objectors, they tend to want a no very quickly, and we are in the middle of that very often. So it is a real balance.

Head of Governance and Change:

If I just may add as well to that point is that in terms of our priorities for next year, we have seen a trend that we have some of those cases emerging within C.F.M.S. (Customer Feedback Management System). We are going to do a bit of analysis on that because we want to be really clear about customer expectations of C.F.M.S. and if there is a statutory process that is aligned we need to make sure that those 2 things are not conflated.

Deputy K.L. Moore:

Forgive my ignorance, C.F.M.S. stands for?

Head of Governance and Change:

Sorry, the Customer Feedback Management System.

Deputy K.L. Moore:

Thank you.

Deputy I. Gardiner:

Before we move to the next question, and it is connected, enforcement and also your department, you are a regulator ...

Chief Officer, Infrastructure and Environment:

Yes, we are.

Deputy I. Gardiner:

... but you are also ...

Chief Officer, Infrastructure and Environment:

We are also on the other side sometimes.

Deputy I. Gardiner:

You are also other side. How do you manage the conflicts because recently 2 constituency cases, very different ones that I am dealing with, complaining that the department did not enforce a decision made by planning which are connected to acting ... which was made against ... the Government properties needs to be vacated, for example, or something needs to happen to the Government properties but the department is not acting to enforce a planning decision. So how do you deal with it?

Chief Officer, Infrastructure and Environment:

Okay. So yes, I guess if I start with my role, clearly I oversee both operational applicant responsibilities as well as regulator responsibilities. So we have a conflict protocol in place between myself and the regulation director, which effectively says that I cannot use my management authority to direct a decision in our favour. So it is quite clear that if we are the applicant and if, say, it is a property application, then that sits with the regulation director. It does not sit with me. We further define that by the chief planning officer under the law is the regulation director, not the chief officer. So that is another variation that is specific to that law that we have made. So that effectively gives some insulation to the regulation directorate to be independent in their decision-making when a result relates to a Government ... the rest of the department's activities. So we have some of those principles in place. We also have conflict resolution processes in place and just conflict declaration processes in place within regulation, and that is something we have really been working on over the last certainly 2 years. But there is a lot more declarations of interest and, if anything, we ask people to err on the side of caution if there is a declaration of interest.

Deputy I. Gardiner:

But if it is coming to the stage 3 complaint, you said the stage 3 complaint is coming to yourself as the Chief Officer of the department.

Chief Officer, Infrastructure and Environment:

Yes.

Deputy I. Gardiner:

But if stage 3 complaint currently is sitting for non-enforcement of the decision, would it still be with yourself or would it be the stage 3 complaint will go to somebody else?

Business Change Manager:

I can answer that. Under the customer feedback policy, there is a provision that stage 3 cases can be directed to a chief officer from another department or a third party. So we know we have means within the policy in those instances if we ever have a case like that to not involve Andy.

Chief Officer, Infrastructure and Environment:

If I have already been involved with a case for a certain reason, I cannot sit in judgment of that case. So there are occasions where you have to pass that to someone else.

Deputy I. Gardiner:

That is helpful because at least to see where it is going, yes.

Deputy K.L. Moore:

Do you have to police that yourself or ...?

Chief Officer, Infrastructure and Environment:

We do, generally, yes. So it does rely on officers' ethical behaviour, effectively, to self-declare. If anything, I see a lot more declarations of interest because people are more worried about not declaring an interest. So we certainly see a lot more of that within regulation. They may know the applicant. They might live close to them, that sort of thing.

Deputy I. Gardiner:

Thank you.

Deputy K.M. Wilson:

Deputy Gardiner just was pre-emptive there. She asked my question.

Deputy I. Gardiner:

Oh, sorry.

Deputy K.M. Wilson:

No, no, it is okay.

Deputy I. Gardiner:

No, it was not about the statutory nuisance, though. It was something different.

Deputy K.M. Wilson:

No, it was something different. But can I just carry that on a little bit? So the roles in the department are educator, regulator and service provider?

Chief Officer, Infrastructure and Environment:

Yes.

Deputy K.M. Wilson:

Okay. So I am interested in the views around the ... or the role of business change. So where are the powers for change invested in the department in each of those areas? Because I assume any change to the law, you would have to take that somewhere else. That is not actually contained within the department's responsibilities, is that?

Chief Officer, Infrastructure and Environment:

Yes. So where we feel there is a process ... if it is a legal change I would expect that to come from the management team working with the Minister to suggest a change. We effectively break the department into 2 heads of expenditure. So we have 2 primary Ministers, the Minister for Environment and the Minister for Infrastructure. The regulation directorate does report to a number of other Ministers, so some of their laws are Minister for Economic Development laws. Crash helmets this week has been an example of that. It comes under Consumer Protection Law, which sits with the Minister for Sustainable Economic Development. So Housing Law is another one; some of the Minister for Housing's responsibilities sit there. So I think ideas for change I would expect they are sometimes externally driven because there are issues that we have to pick up and move with. Some of it is driven by I guess international convention or standards that we are trying to follow. Some of it is driven because we know we just have out of date laws and we need to improve those. So I would expect generally those to be led by head of service and director level, and then we will take that to the Minister, the relevant Minister, to drop it into the work programme. We work with the law drafting team in terms of available resources and what is in the policy pipeline as to what resources we have to support policy change and then legal change.

Deputy K.M. Wilson:

Thanks, Andy. So I would guess when it gets to a stage 3 all of that complexity in some shape or form is organised as to who the accountability rests with for resolution.

Chief Officer, Infrastructure and Environment:

Yes.

Deputy K.M. Wilson:

Or does it always come back to you as the department?

Chief Officer, Infrastructure and Environment:

It tends to be at a stage 3 ... the last couple of stage 3s I have dealt with I have interviewed the director who has generally dealt with it at stage 2 and then we have sat down as a team, effectively a bit of an interview panel, to question ... that would include Stephanie as well as our ... the last one was our head of data sort of governance, to test the answers that have been given. So it depends. Obviously, if I am conflicted because I have been involved in a case earlier on, then I would expect that to be picked up by another chief officer, effectively.

Deputy K.M. Wilson:

Okay. Thank you. So the question that I was going to ask was about the number of complaints that have been received in relation to statutory nuisance law. Are you aware of how many?

Head of Governance and Change:

We do not have those numbers with us.

Chief Officer, Infrastructure and Environment:

We will have some ...

Head of Governance and Change:

We do have them. We can provide that breakdown for you, yes.

Deputy K.M. Wilson:

All right. So basically P.A.C. notes that legislation in this area is going to be updated or it will require some updating in line with modern standards. What impact do you think this legislation is going to have on your ability to act on a statutory nuisance complaint?

Chief Officer, Infrastructure and Environment:

I would say it is quite a high bar to act on a statutory nuisance. So I do think that we do see that it is ... the complaints I see is generally when we feel we have been unable to act, whether it be a

noise or smell complaint. One of the cases I have dealt with recently was a noise. It was a noise in St. Helier and we did not feel the statutory nuisance bar had been met, but the person complaining clearly is being affected by noise. So what I could foresee is that the bar probably gets lowered in terms of how we can deal with complaints and, therefore, I would expect to see more complaints and we will probably, hopefully, get to see more resolution of things.

Deputy K.M. Wilson:

How do you think that the new legislation or an updating of the legislation might be more directed towards supporting the consumer as opposed to addressing the noise?

Chief Officer, Infrastructure and Environment:

I think being clear ... if I think about noise complaints, a lot of the issue is about data and evidence. So I think we need to be clear what is occurring, what role the consumer can play in collecting information, what sort of form we want it in, the validity of that information. We often from a noise perspective will issue noise monitors to people and they can go into people's homes and they will self-record when noise is heard. So I think I foresee a greater accessibility from consumers firstly.

Deputy K.M. Wilson:

I think there is a difference between addressing a statutory nuisance in relation to people different to an industry or another environmental issue.

Chief Officer, Infrastructure and Environment:

I think there is. When you are dealing with, I guess, an industrial noise, I guess it is a lot easier to track and monitor and understand where the problem is coming from, if it is something vibrating or being too loud. When you are dealing with human to human interaction, that is a lot harder to deal with and it does rely on a lot more, I guess, human intervention ourselves to be there in person and to record human behaviour. Whereas if it is a mechanical part going wrong or a filter is not working, it is easier to track down, I would say. So what I think we have to be ... it would certainly benefit the consumer. I think it would probably have quite a big resourcing implication for how we then, if you like, police the new law because I would probably contend we would need more people out there. People's propensity to complain against each other has increased and we have seen certainly the number of complaints go up, certainly post-COVID. A lot of people are working differently and they, therefore, see and hear a lot more than they used to because a lot more people are working flexibly. So we have seen increases.

Deputy I. Gardiner:

Thank you.

Deputy R.S. Kovacs:

I have one last question. In the matter of dealing with suppliers and third parties, do you gather that feedback from them and what response have you had so far?

Chief Officer, Infrastructure and Environment:

I think one of the areas that we need to do better on is certainly contractor management. We employ a lot of third parties under contract, whether it be building jobs or maintenance, those sort of things. So I think that is an area that we need to do more on. That is quite labour intensive so that is just a resourcing issue for us at the moment. So sometimes we get complaints that something has not been fixed, this has not been opened, the toilets have not been cleaned, so that is where we see a lot of, I guess, commentary from third parties that come in and then we have to chase the contractor: "Have you been out?" and then they have to go out again. So it is quite labour intensive, but I think that is an area that we need to do better in.

Deputy I. Gardiner:

Thank you very much. It was helpful. Thank you for the extra time.

Chief Officer, Infrastructure and Environment:

No problem. Thank you.

Deputy I. Gardiner:

The public hearing is closed.

Chief Officer, Infrastructure and Environment:

Thank you. We will follow up with some more of a breakdown of our customer profile.

[14:45]