

Deputy Hilary Jeune – Chair, Environment, Housing and Infrastructure Panel

BY EMAIL

26 June 2024

Dear Chair,

Enforcement notices and sanctions

Before I respond to the questions asked, I would like to highlight the general approach to enforcement and compliance by the Regulation Directorate. The Directorate has focused on recent years significant resources towards a culture of socially responsible regulation, ensuring that compliance and use of enforcement powers is risk-based, targeted, proportionate, and consistent.

The Regulation Directorate has published a Jersey Regulator's Code [Jersey Regulators Code \(gov.je\)](https://www.gov.je) which outlines 6 key principles;

1. Regulators should carry out their activities in a way that protects the environment and supports those they regulate to comply and grow.
2. Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views.
3. Regulators should base their regulatory activities on risk.
4. Regulators should share information about compliance and risk.
5. Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply.
6. Regulators should ensure that their approach to their regulatory activities is transparent.

In selecting which complaints or reports of non-compliance to investigate, and in deciding the level of resources to be used, the Regulation Directorate will take account of the following factors:

- the severity and scale of potential or actual impact or harm,
- the seriousness of any potential breach of the law,
- knowledge of the individuals or organisational past performance,
- the enforcement priorities, and
- the practicality of achieving results.

Consideration is given to the evidence gathered and to:

- a) whether it is considered to be in the public interest to progress the case, and

b) the evidential threshold that we need to satisfy in respect of a particular enforcement action.

Decisions are taken at an appropriate level and are informed by all available information.

The general approach to Development and Land compliance team is to follow the four Es model of Enforcement followed by the Regulation Directorate, namely Engage with interested parties to obtain information, and to provide an opportunity for them to express their views; Explain the legislation and general approach to compliance; Encourage voluntary compliance; and as a last resort Enforce in instances where harmful and unacceptable breaches are not voluntarily remedied.

We aim to make sure our enforcement response is proportionate and appropriate to each situation.

How is the nature of a planning compliance case recorded?

The general approach to Development and Land Compliance investigations is explained on the Government of Jersey website [Planning and building compliance \(gov.je\)](https://www.gov.je/planning-and-building-compliance)

Allegations of breaches of development controls are logged in an electronic database system and then allocated to a case officer and a priority category is assigned, depending on the seriousness of the alleged breach. Interested parties are then furnished with an acknowledgement that provides the reference number, priority and case officer details.

Officers will visit the site and carry out an investigation, and all correspondence and evidence gathered are held in the central electronic database. Updated file notes summarising the investigation activities is kept for record purposes. Interested parties are updated upon any key actions and decisions taken.

Decisions regarding the expediency of further action or the closure of investigations generally rests with the senior compliance officer, the team manager or the Head of Development and Land.

How many cases are currently open or being investigated?

The compliance team is currently dealing with 317 live investigations. The team consists of four compliance officers, with recruitment under way for vacancies for a senior officer and a team manager, and for a compliance officer to replace a recent resignation.

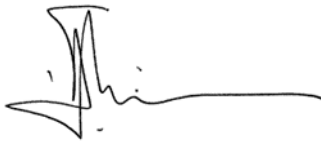
How many of the open cases have resulted in formal action being taken?

I can confirm that 11 Notices were issued during 2022, and six Notices were issued during 2023. During the first six months of the current year, 17 Notices have been issued. An updated Register of all notices is available to the public to inspect on our website [Register of notices \(Development, Land Condition and Dangerous Buildings\) \(gov.je\)](https://www.gov.je/register-of-notices)

What has been the nature of that action?

The Notices issued in 2024 comprised six Land Condition Notices, ten Enforcement Notices and one Stop Notice.

Yours sincerely,

A handwritten signature in black ink, appearing to be "Steve Luce", written in a cursive style.

Deputy Steve Luce

Minister for the Environment