

# Environment Scrutiny Panel

## PUBLIC MEETING

### Record of Meeting

Date: **26<sup>th</sup> June 2008**

Meeting Number: **80**

Present	Deputy R.C. Duhamel (Chairman) (RD) Connétable A. S. Crowcroft (SC) Deputy C.J. Scott Warren (CSW) Deputy P. V. F. Le Claire (PLC)
Apologies	Connétable K. A. Le Brun of St Mary
Absent	
In attendance	Mr M. Robbins, Scrutiny Officer Mr M. Dransfield, Scrutiny Officer

Ref Back	Agenda Matter	Action
	<p><b>1. Minutes</b></p> <p>The Panel approved the minutes of 17<sup>th</sup> March 2008 (74a) and amended and approved for signing the minutes of the meeting of 22<sup>nd</sup> May 2008 (78) The Panel agreed amendments to minutes of 20<sup>th</sup> March 2005 (75) and 28<sup>th</sup> March 2008 (75a). They were to be signed by the Chairman on completion of those amendments.</p> <p>RD. SC. CSW. PLC.</p>	MR / RD
	<p><b>2. Matters Arising</b></p> <p>The Panel recognised that it was not able to deal with all items on the agenda and deferred all items besides the two current reviews to the following meeting. It was believed that the briefing from Deputy Le Claire in relation to the Transdev visit, which formed part of the background enquiries to the impending Integrated Traffic and Transport Plan Review could not be done justice to, with the time available to the Panel. In view of that, the Panel considered comments made by the Chairman's Committee during its meeting of 20<sup>th</sup> June 2008, at which the Vice-Chairman had been present in place of the Chairman who had been off-Island. The Panel considered the meeting briefing notes, in respect of the visit to be inappropriate.</p> <p>RD. SC. CSW. PLC.</p>	MR PLC
	<p><b>3. Waste Review</b></p> <p>The Panel received an oral update by the Chairman relating to a European Union decision of the 17<sup>th</sup> June 2008 relating to Energy From Waste (EfW) Plants which were required to produce an efficiency output of more than or equal to 65%. Of France's 85 EfW plants only 7 met the criteria. Importantly for Jersey, the Minister of</p>	

	<p>Transport and Technical Services had brought the favoured option to the States in Proposition P.72/2008, 'Energy from Waste Facility: Establishment and acceptance of Tender.' According to the specification, the proposed EfW Plant was classed as being 27% efficient, thus failed to meet new European Union criteria. The Chairman agreed to circulate documents confirming his update to the Panel and to hold a press conference relating to the European Directive on Monday 30<sup>th</sup> June 2008.</p> <p>The Chairman also referred to letters from Tesco Supermarket relating to anaerobic digestion policies to British Standards Institute PAS110 and a second from Sierra. The Panel required copies circulated in order that the Panel could discuss the content at a future meeting. The Chairman undertook to do this.</p> <p>Consideration was given to R43/2008, 'Environment Scrutiny Panel; Independent Review – Planned Infrastructure for Implementing the Island's Waste Strategy- Response of the Minister for Transport and Technical Services'. The Panel recalled that on 17<sup>th</sup> June 2008 a statement was made to the States by the Chairman in response to that Minister outlining the problems of Juniper not being available to assist with any further work until the middle of July 2008. The Panel expressed severe frustration with delays from Transport and Technical Services in producing information requested, and that it had prevented the Panel's appointed advisors from reviewing the proposition.</p> <p>The Panel agreed that the Chairman was to draft a comment within the following three days to meet the submission deadline for the debate of P.72/2008.</p> <p>The Panel noted receipt of the 'States of Jersey Solid Waste Strategy Technology Review 2008' Babtie Fichtner report.</p> <p>Examination of the final costs of the review exhibition, held at the Town Hall of £6554.76 showed it to be within the £7344.70 budget agreed for the event.</p> <p>An additional fee of £2996.78 was approved for Junipers attendance at the event.</p> <p>RD. SC. CSW. PLC.</p>	<p>RD</p> <p>RD</p>
	<p><b>4. Letter from Chairmen's Committee.</b></p> <p>The Panel considered a letter from the President of the Chairman's Committee dated 23<sup>rd</sup> June 2008 addressed to the Panel Chairman and welcomed Mr M. De la Haye, Greffier of the States of Jersey who attended to assist the Panel in the matter in his capacity of Accounting Officer.</p> <p>It was apparent that the Chairmen's Committee was not supportive of the visit by the Connètables to the Material Recycling Facility in Cardiff considering it to be a political means of increasing awareness of a group of Members prior to a political debate. The Committee further considered it inappropriate for scrutiny to finance such a visit as it was not felt to be within its rôle or purpose. It also felt that such</p>	

use of funds could bring scrutiny into disrepute.

The Greffier of the States advised the Panel that it was vital to demonstrate that any moneys spent were strictly for the purpose of Scrutiny business. The Chairman questioned whether he had actually offered to pay for the Connétables expenses at the meeting of the Comité de Connétables and required copies of the minutes covering that meeting circulated to Panel Members. The Panel was of the opinion that taking the Connétables to a plant in the United Kingdom was not lobbying but full disclosure of the facts of the scrutiny position and was therefore within the Scrutiny remit. The Greffier asserted that, although he had not originally reached any definite conclusion, he did not necessarily share this view and it was for this reason that he had asked for a political viewpoint which he had now received very clearly from the Chairmen's Committee. He accepted that the question of 'What is Scrutiny?', which had been raised in the recent Machinery of Government review, remained largely unresolved and this made some decisions for him as Accounting Officer difficult.

The Panel felt that it was inappropriate that the Ministers, for example, could publicise matters in the press, yet there had been great restraint placed upon Scrutiny. The Panel maintained that the Waste Plant review was ongoing. There had been no report published and no member of the Panel had signed anything off to say the review was completed. The Panel noted that despite their best intentions, there had been no time available to do the necessary work from the lodging of P.72/2008 to the debate. This issue was complex and obtaining background papers from the department had been time consuming and eroded time available to the Panel. Both BDO Alto Forensic Services Limited and Juniper Consultancy Services Limited, as Panel advisors, had insufficient time to answer the many questions outstanding due to the delays. The involvement of the Chairmen's Committee was particularly frustrating at a crucial juncture in the Waste Plant review.

Particular concerns were expressed by the Panel with the level of monitoring the Chairmen's Committee appeared to be undertaking with regard to Panel expenditure for ongoing reviews and it questioned the basis for the suggested curtailing of spend. The Panel was of the opinion that Standing Orders of the States of Jersey provided it with autonomy to allocate its own financial resources and that no clear guidance within Standing Orders of the States of Jersey or the Code of Conduct for Scrutiny Panels and the Public Accounts Committee provided the Chairmen's Committee with any power of veto.

The Panel concluded that the problems for the Chairmen's Committee arose from the debates in the States and the legislation put in place at the inception of Scrutiny. The result of the debate provided no clearly understandable provision for individual Panel funding or the overarching role of Scrutiny. The Panel recognized that during a States debate, the Bailiff asked the Chairman of individual Panels if it wished to undertake a piece of work and not the President of the Chairmen's Committee. The Panel therefore concluded that, in its view, there was no power for the Chairmen's Committee to control the work of the Panel other than to co-ordinate for the prevention of

	<p>duplication. It further agreed that political intervention on the clarity of this matter was required. The Panel agreed that a meeting with the Chairmen's Committee after the Waste Debate, to discuss the terms of reference for Scrutiny Panels contained within Standing Orders of the States of Jersey and the Code of Conduct for Scrutiny Panels and the Public Accounts Committee was desirable.</p> <p>RD. SC. CSW. PLC.</p>	
	<p><b>5. Fisheries</b></p> <p>The Panel agreed that 100 metre fishing nets were an item of commercial fishing equipment and not suitable for the purpose of leisure fishing.</p> <p>The Panel agreed that an online internet log to the Fisheries and Marine Resources Department could work effectively in assisting with active enforcement of the Fisheries Laws. It would assist in the monitoring of the use of nets and allow the Department officers to be aware of when nets were set.</p> <p>The Panel recognised that it had various observations during the review that required publishing, with the overarching suggestion that a much larger piece of legislation was essential. The Panel required the drafting of comments for presentation to the States on 1<sup>st</sup> July 2008, which would outline its observations. A full scrutiny report would not be published.</p> <p>RD. CSW. PLC.</p>	<p>MR</p>

Signed

Date:

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Chairman, Environmental Affairs Scrutiny Panel