

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

The Bailiff:

Before we proceed with the Annual Business Plan, I have received a request from the Minister for Planning and Environment to make a statement concerning the report of the Committee of Inquiry into the Reg's Skips matter. As this report is being released and will come into the public domain it seems to me right that the Minister should have the opportunity to inform Members first of all as to his reaction to it and therefore I have given leave for him to make a statement. Minister.

2. Statement by the Minister for Planning and Environment regarding the report of the Committee of Inquiry: Reg's Skips Limited

2.1 Senator F.E. Cohen (The Minister for Planning and Environment):

As Members will be aware the Committee of Inquiry's report into the circumstances surrounding Reg's Skips planning applications was released at lunchtime today. I welcome the report and thank its members and particularly its Chairman, John Mills, C.B.E. (Commander of the Order of the British Empire), for their careful consideration of these complex planning issues and for their detailed and thoroughly comprehensive report. The Committee of Inquiry was set up in 2009 by the States as a result of a proposition I lodged and the committee had a broad-ranging remit. The committee's findings are extremely critical of the Planning Department and of the department's handling of the applications over the period commencing in 2004. The committee have concluded that elements of the department's approach amounted to maladministration and that both the committee that preceded me and I, as Minister, were not well served by the advice we received from the department. The committee found that the department did not deal with the applications in the manner the applicants and the public should expect. At a personal level I note the Committee of Inquiry found that as Minister my aim had been to be helpful and the committee were broadly commendatory of my actions. I have recently commissioned a full external review of the planning function of the department and this will review every single planning process leaving no stone unturned with the brief to provide templates to deliver a more robust process. I will be taking personal responsibility for supervising this review. While there can be no excuse for the errors identified in this case, it should be appreciated that the roots of the problems identified by the Committee of Inquiry lie in a failure of the department in 2005 before the introduction of Ministerial government. Since that time many improvements have been introduced but undoubtedly there is more work to be done. However, it must be borne in mind that whatever improvements are made in the planning process, it can never be perfect. The very nature of the subjectivity of planning decisions will always leave open the possibility of dispute. The department deals with 2,500 applications a year and due to the sheer volume of applications and the subjective nature of planning decisions, the potential for errors can never be wholly eliminated. To conclude, I unreservedly and wholeheartedly apologise to Mr. and Mrs. Pinel and to the others who have been let down by the Planning Department. I will seek to ensure that the errors of 2005 and since that time are not repeated and I will look at the issues of compensation raised by the Committee of Inquiry. Thank you.

The Bailiff:

Does any Member wish to ask a question? Yes, Deputy Le Claire.

2.1.1 Deputy P.V.F. Le Claire:

I note and concur that the Committee of Inquiry broadly have agreed that the actions of the Minister were commendatory. However, on page 138, at para. 18.6, it does say that they found fault with the interaction between Health Protection (of all things) and the Planning Department. It said that it had led to the Minister not being precisely informed and that there should be need for a stronger automatic notice to Health Protection in the future; exactly what I was talking about this morning. Can the Minister give us an undertaking that Health Protection in Jersey, or if it is moved to Guernsey, will be more carefully considered by the department in the future?

Senator F.E. Cohen:

As I have said, there are many errors identified in the report. There will need to be many changes in the processes and many changes in the way we review consultation responses and the interaction with the Health Protection Department will be one of many. Thank you.

2.1.2 Deputy P.J. Rondel of St. John:

Given that at a future meeting I will be bringing to the House a report and proposition on looking at sites for operators which will include Mr. and Mrs. Pinel - Reg's Skips Limited - will the Minister give us an undertaking that he will look favourably on working alongside the Minister for Transport and Technical Services and other Ministers in trying to come up with a location owned by the Island where these companies who are working hard to do what we have instructed the Island to do - i.e. recycle - can operate from it legally without having to go through all the hoops that we have seen with this particular case with poor Mr. and Mrs. Pinel. It would be useful if I could have an indication in some way from the Minister this afternoon. Thank you.

Senator F.E. Cohen:

Yes, the Deputy of St. John can most certainly have a commitment from me that I will work with him and with T.T.S. (Transport and Technical Services) to deliver his ambition in that direction but I would say that there is an important point and that is that we all say we want to see waste recycling operating successfully in the Island but "not next door to me". Well it has got to be next door to somebody and that is the problem. Thank you.

2.1.3 Deputy T.M. Pitman:

Deputy S. Pitman and I both met with Mr. and Mrs. Pinel as I am sure a number of other States Members did. When you see the impact on such people I appreciate the Minister has apologised for the problems but if disciplinary action is needed, is he willing to take that and can he assure us that it will be taken so this sort of thing does not happen again?

Senator F.E. Cohen:

I am not in charge of disciplinary action. There is an entire separation between the political process and the process of the Civil Service. I would say however that while particular officers are criticised in this report, they are in all cases officers who are of very long standing, they are officers who have my support, they are officers I know well who work extraordinarily hard. Yes, they have made a mistake; we all make mistakes but perhaps on occasions we should be forgiven for our mistakes.

2.1.4 The Deputy of St. Mary:

Can the Minister give us an assurance that he has commissioned this full external review of the planning function of the department? When he was talking to Scrutiny the impression given was that this external review - the goal of it - was to make the processes better but also to save money. Can the Minister therefore give us an assurance in the light of this report that the goal is to serve the public well and adequately to minimise the possibility of error? I understand that there will be errors because of the sheer scale of the operation; that is inevitable in any big organisation, but to minimise it to the absolute minimum and certainly to eliminate this error on this scale, and in the light also of the costs associated with getting these things wrong.

Senator F.E. Cohen:

The work of reviewing the processes in the department began with my predecessor Senator Ozouf who commissioned a review that was concluded at roughly the time that he moved on from the department, and we have implemented as far as possible the very sensible suggestions of Senator Ozouf's review. I do wish to make it clear that the comments I have made earlier in my statement should in no way be regarded as a criticism of my predecessor. The failings are failings of the department; they are not failings of my predecessor at all and I am grateful to him for the efforts he made to introduce process changes. The process changes under the review that I have

implemented will follow on from Senator Ozouf's review. They will be concentrated largely on reviewing the way we do things and whether we can do them better and I have no doubt that there are many ways we can do them better. That will inevitably lead to doing things in a simpler way and simpler often means for less money, so I hope to combine the advantages of a simpler process with a process that costs less money to deliver. Thank you.

2.1.5 Senator F. du H. Le Gresley:

Could the Minister explain perhaps how quickly he will be able to move on the matter of compensation to the owners of Reg's Skips and whether in the light of the findings of the panel an interim payment should be made sooner than later?

Senator F.E. Cohen:

I hope to be able to move on the matter of compensation quickly and I will of course review all aspects of compensation including an interim payment if necessary, but I hope that we will be able to deal with the matter swiftly and that that may not be necessary.

2.1.6 Senator J.L. Perchard:

Just a couple of small questions: firstly, on the front cover of the report it says: "First Report." Is it to be the first and last report? Secondly, the Minister did ask the States to commission this report, who will be paying for it, how much did it cost and who will be paying the compensation?

Senator F.E. Cohen:

I will try and get those in order if I can remember them. The compensation will be paid by the public, the report is the first of 2; the second will be an improvement recommendation report that the Committee of Inquiry will be producing. I hope that we will find a mechanism for the Committee of Inquiry to be able to work with the external process review that I am completing. I do not know the total costs of the Committee of Inquiry report. Thank you.

2.1.7 Senator J.L. Perchard:

Would the Minister mind being more specific when he says: "The compensation will be paid by the public", through which channels?

Senator F.E. Cohen:

That will be in discussion with the Treasury but it will come out of the public purse. Thank you.

2.1.8 Deputy P.V.F. Le Claire:

Will that also include some recompense for the appeal process where, had the information been fully available as concluded in para.18.14 on page 140, they would have had more acknowledgment of the Bailiff's ruling and the Bailiff's judgment at that time?

Senator F.E. Cohen:

I will be looking at all issues surrounding compensation and can assure the House I will deal with it in the most appropriate manner. Thank you.

2.1.9 The Deputy of St. Mary:

I did want a supplementary straight away; it follows on from my previous question. The Minister has assured us that the new processes he hopes will be better, that means simpler and it will cost less money. Well we have heard that before and I did ask in my question: will the service to the public and the need to have it as accurate as possible and the need to avoid major errors as in this case, will that come first?

Senator F.E. Cohen:

Service to the public will come first but one only has to look externally at the processes that were used. We have very poor use of I.T. (Information Technology) for example. Very little of our

processes are properly computerised. There is enormous opportunity for a better process that is easier to operate, more robust and delivers better decisions for less money. Thank you.

2.1.10 The Deputy of St. John:

As I gave evidence to the Inquiry, could the Minister please pass my gratitude to the sympathetic way that the panel - Mr. Trevor and Mr. Mills and the other members of the panel - dealt with the members of the public and those people giving evidence? It was a pleasure to go to the Inquiry, to be dealt with in such a sympathetic way. Could the Minister please pass on those thoughts to the panel?

Senator F.E. Cohen:

Most certainly I will and particularly they are to be complimented for the honorary nature of their work. Thank you. [Approbation]

The Bailiff:

Very well, that brings questions to the Minister to an end.