

STATES OF JERSEY



ENVIRONMENT SCRUTINY PANEL: VOTE OF NO CONFIDENCE (P.85/2007) – COMMENTS

Presented to the States on 3rd July 2007
by the Environment Scrutiny Panel

STATES GREFFE

COMMENTS

It is surprising, given the fact that Scrutiny is an evidence-based process, that Deputy Baudains makes few objective points in his report. His vote of no confidence is based on two grounds: that the Panel is neither timely nor efficient in carrying out its functions. What evidence does he produce in support of his views?

1. 'Timely'

Deputy Baudains states that his 'biggest disappointment' is the time it has taken the Panel to complete its major piece of work, its review of the States Waste Management Strategy. The Panel does not dispute the fact that the Review has taken longer than it wished, but the Minutes of the Panel indicate that it has approached the matter in the thorough and comprehensive way such an important matter requires.

Deputy Baudains claims in the fifth paragraph of his report that the purpose of the review was 'simply to be an update of the original massive work carried out by the Shadow Panel.' This is incorrect – the terms of reference of the Review were as follows –

1. To quantify the composition of waste within the residential and commercial collections.
2. To investigate the practicality and cost implications of re-using or recycling in excess of 32% from the waste stream.
3. To investigate European and International markets for recycled goods and recyclable materials.
4. To examine existing technology for the treatment of food waste with the green waste in a composting facility.
5. To examine systems/policies to encourage the public to play a more active role in recycling.

It was vital, too, that a Report was presented which marshalled the facts in an accessible as well as a comprehensive way: Deputy Baudains describes the Shadow Panel's earlier report as 'containing an enormous amount of information, but ... daunting to read.' The Scrutiny Panel's report must not suffer the same fate.

The Panel has undertaken a great deal of work on the Waste Review, including visiting waste treatment plants in other jurisdictions, taking evidence from experts in the field, and also working in partnership with the Parish of St. Helier on a local recycling project. The Panel has received evidence from the trial in Havre des Pas that the Island's Waste Strategy is based upon recycling targets that have been set too low, which could mean that the Island will be asked to commission waste disposal facilities which are inappropriate. However, such an argument, flying in the face of agreed States policy as it does, had to be properly researched before being presented. The Havre des Pas trial findings were only published in March this year. The Panel believes that it was vital to ensure a sufficient body of evidence was amassed before bringing forward recommendations which might be at variance with agreed policy.

Significantly, Deputy Baudains himself appears to have drawn his own conclusions on this outcome of the review in 'early 2007' as in paragraph 10 of his report he describes the Island as 'heading towards purchasing a totally unsuitable replacement for the Bellozanne incinerator'.

Whatever view may be held of the length of time it has taken for the Panel to complete its major piece of work, it is a fact that the Panel had agreed a publication date for its Review of the Waste Management Strategy (in advance of the States' sitting on 17th July) before Deputy Baudains lodged his proposition. Subsequently the Panel agreed to bring forward its deadline by a fortnight in order that the Review is available to States Members when they debate P.85/2007.

In his fourth paragraph Deputy Baudains alleges that the Design of Homes review 'has drifted and in my view has become a never-ending process without focus or goal.' This bald assertion is not backed by any evidence whatsoever. The review was originally undertaken by its lead member Deputy Power, who resigned to take up a post on the Planning Applications Sub-Panel in March 2007. In addition, the review was being worked upon by the scrutiny officer who was seconded to the telephone mast review and would be delayed until the officer returned. Deputy Le Claire volunteered to take up the lead position in this review and agreed to wait for the background material to be forwarded to him, and for Deputy Power to forward sections of the report that he had

undertaken to complete. This took place at the beginning of June. The Panel decided that it would table the review in any event on 27th July or as soon as possible. This report which is an important contribution to the planning and design of our future housing stock was complex and detailed and could not be just cobbled together without due considerations of the work that had been done by Deputy Power, especially given the fact that he had been on the evidence-gathering trips while Deputy Le Claire had not.

The Panel is disappointed to note that Deputy Baudains makes no reference to the fact that the Environment Scrutiny Panel volunteered the services of one of their officers to be seconded to a different Scrutiny Panel to enable the urgent Mobile Phone Mast review to take place. As he was Vice-President of the Panel at the time he must have been aware of the reasons this took place. The temporary loss of officer time, along with some officer illness, had an obvious but not unreasonable impact upon the Panel's ability to produce their work in a 'timely manner'.

2. 'Efficient'

Deputy Baudains makes various unsubstantiated assertions about the general operation of the Panel, such as in paragraphs 7 – 9, which if proven might be taken to indicate inefficiency. The fact that 3 previous members of the Panel have resigned is not countered by the fact that their places have been quickly filled. It is a fact that none of the present members of the Panel feel 'dissatisfaction with the Panel's modus operandi' (paragraph 7). If there were difficulties in the past with respect to the financing of the Panel's work, in particular, its trips abroad, as alleged in paragraph 8, these occurred and were dealt with while the 3 former members of the Panel, including Deputy Baudains, were still on board; there is no evidence of any financial mismanagement in the Panel as presently constituted.

Paragraph 11 of the report mentions the recent debate on the Water Resources Law. The Deputy asks: 'What did the Environment Panel do during the debate? Apart from a few words from the Chairman, nothing.' Deputy Baudains is wrong on 2 counts: first, the Panel Chairman spoke at length (1,706 words); second, the Panel had expended considerable time on the subject of the Water Resources Law, and usually at Deputy Baudains' insistence.

The paragraph concludes: 'Other meetings have likewise been affected by lack of a quorum, such is the Panel's commitment.' Not only does this statement show a total disregard for the evidence of attendance shown in the Minutes of the Panel, but it is a highly subjective and unwarranted slur upon the current Panel Members.

In paragraph 12, Deputy Baudains states that 'sadly, very little is being done' in respect of the scrutiny of the responsibilities of the Minister for Planning and Environment and the Minister for Transport and Technical Services, respectively. Again, a glance at the Panel's Minutes will show that this is not the case. The Panel has met with both Ministers at various times, and, for example, at a special meeting convened on 22nd February, discussed and made recommendations upon the Integrated Travel and Transport Plan, after which meeting it was noted: 'This had been considered a success by the Panel with an open exchange of views by all parties. The Minister agreed that consideration would be given to the views of the Panel in the preparation of the final document.' Similarly, the Panel recognised the necessity of supplying a comment on the EDAW Report, or St. Helier Masterplan, which comes within the remit of the Planning and Environment Department, and has also examined energy policy and the hazard plans for the La Collette area.

Deputy Baudains is bringing his vote of no confidence in the Environment Scrutiny Panel as presently constituted, not in a particular member of the Panel: Deputy Robert Duhamel (since December 2005) Constable of St. Mary (since December 2005) Deputy Paul Le Claire (since 22nd February 2007) Constable of St. Helier (since 1st March 2007).

The Panel believes that while Deputy Baudains' report accompanying his proposition reveals some of the personal difficulties the Deputy experienced during his time on the Panel, it does not present a fair or objective view of the Panel's operation either during or since his departure from it. The Panel, therefore, recommends that the States reject the proposition.