

2020.09.08

23 Deputy M.R. Higgins of the Minister for the Environment regarding enforcement function: (OQ.229/2020)

Given the criticism received by the enforcement function of his portfolio, both in official reports and in this Assembly, will the Minister explain what steps he has taken to deal with such criticisms and to ensure that enforcement issues are dealt with expeditiously, consistently and impartially?

Deputy J.H. Young of St. Brelade (The Minister for the Environment):

I would like to take the opportunity to update the Assembly with the progress made by the G.H.E. team, since the report of the Comptroller and Auditor General and his comments also of Members of the Assembly. Of course, the executive, that is the G.H.E., responded to the report, to the C. and A.G. (Comptroller and Auditor General) and the recommendations we did in June. Their recommendations in respect of planning, building control, environmental health were accepted. I can confirm that action has already been taken to improve services in the longer term. Although it is correct there is still a backlog. The Planning Enforcement team is usually staffed with 2 officers. The department has now added another planning officer, by transfer from other work, to the group to deal with the particularly high level of work and a director of development control has taken personal management oversight of that team. Indeed, I am advised that the target operating model, which is one being developed by the D.G. (Director General), will be discussed with P.A.C. (Public Accounts Committee) and the Scrutiny Panel. That will seek to add further members to that team, by way of transfers from other functions. Of course, it is true that team has been historically under-resourced. So the programme of work, which has been delayed, will be commenced this autumn. Thank you.

4.23.1 Deputy M.R. Higgins:

In the written answers today, which I might add are a total load of rubbish, there have been no prosecutions in 3 years for listed buildings or places that have had problems. We know that the department has been aware of these things and has taken no action. When is the Minister going to get his department running properly?

Deputy J.H. Young:

I do not accept what the Deputy has to say. I know the Deputy has a particular interest in one enforcement matter, where he does consider the actions have not been sufficient. Of course I have bent over backwards to arrange meetings with the officers to air that. Nonetheless he is entitled to his view. Of course, prosecution is a last resort. He would know that these matters of prosecution are decided not by the officers and nor by myself - nor should they be, because appeals, of course, are my responsibility; I have to decide them - but they are decided by the Attorney General. What I have provided him with and this "rubbish answer", as he says, on 313, sets out the schedules of all the enforcement notices which have been served, in great detail there. We use the process that we have. It is true that the law can be strengthened and that is something which I will be seeking to do in the long run, but we have to work with the law as it is. Thank you.