

# Environment Scrutiny Panel

## Record of Meeting

Date: 26th March 2013

Meeting No: 36

Present	Deputy J. Young, Chairman Deputy S. Luce (Vice chairman) Connétable P. Rondel
Apologies	
Absent	
In attendance	Mr. M. Orbell, Scrutiny Officer

Ref Back	Agenda matter	Action
	<p><b>1. Records of meetings</b></p> <p>The Minutes of the meetings held on 11th and 18th March 2013 were approved and signed.</p>	<b>MO</b>
<p><b>Item 1</b> <b>1.02.13</b> <b>514/2(26)</b></p>	<p><b>2. Island Plan Housing Policy</b></p> <p>The Panel reflected on the outcomes of its public hearing with the Minister for Planning and Environment on 11th March 2013, which had focused on progress with the development of affordable and social housing in recent years and the Minister's thoughts about future policy in these areas. Members felt that both answers to questions and a written paper provided by the department at the hearing had been highly informative.</p> <p>The Panel discussed how concerns about affordable and social housing could best be addressed and it was agreed that the Chairman would bring this matter to the attention of the Chairmen's Committee, for possible consideration of a joint review with other Panels.</p>	<b>JY</b>
<p><b>514/1(35)</b></p>	<p><b>3. Draft Public Health and Safety (Dwellings) (Jersey) Law 201-</b></p> <p>Members considered the draft law recently published for public consultation. Although this had been issued by the Health and Social Services Department (Health Protection section) there appeared to be significant overlap with areas within the Panel's remit, particularly building control and building bye-laws administered by the Department of the Environment.</p> <p>The Panel's view was that the draft law appeared to confer powers of inspection, intervention and control over the use of private properties which seemed disproportionate to the extent of known problems. Members considered that there could be some justification for a law of this sort to protect the health of tenants of poorly maintained or unsuitable rented properties. However, extending its application to all dwellings would give public health inspectors powers to enter private homes and impose requirements for their maintenance or repair, limit their use, or even (in extreme cases) cause them to be demolished, all at the owner's expense. This was considered to represent an unacceptable threat to people's rights to privacy and enjoyment of</p>	

	<p>their own homes.</p> <p>Members also had serious concerns that the consultation gave no indication of any standards which might be intended to apply if the law was enacted. References to unspecified controls over energy and water use in homes were felt to be inappropriate. It was considered that private residential properties were already adequately regulated by means of the building bye-laws and planning rules applied to all new development.</p> <p>The Panel decided that for these reasons it was opposed to the introduction of the draft law. It was agreed that the Chairman would write to the Minister for Health and Social Services highlighting the Panel's concerns and asking for it to be withdrawn.</p>	<b>JY/MO</b>
<p><b>Item 3</b> <b>11.03.13</b></p> <p><b>514/23</b></p>	<p><b>4. Historic Buildings</b></p> <p>The Panel considered a draft scoping document and suggested terms of reference for a review of the historic buildings policy of the Minister for Planning and Environment. Minor amendments to the terms of reference were agreed. The Chairman and the Scrutiny Officer would research possible expert advisers for the review; it was considered that advice would need to come from outside the Island to ensure impartiality. It was agreed that timing of the review would be considered at a later date.</p>	<b>MO/JY</b>
<p><b>514/1(18)</b></p>	<p><b>5. Motor Traffic (Jersey) Law 1935</b></p> <p>The Panel discussed the possibility of including a review of the Motor Traffic Law in its work programme. It was felt that it may be preferable to address anomalies that had arisen within the law, rather than reviewing the law itself. It was agreed that the Scrutiny Officer would contact the Transport and Technical Services Department to request that the Motor Traffic Law be included on the agenda for an early private briefing.</p>	<b>MO</b>
<p><b>Item 3</b> <b>7.02.12</b></p> <p><b>514/1(18)</b></p>	<p><b>6. Liquid Waste Strategy</b></p> <p>It was agreed that the Scrutiny Officer would ask the Transport and Technical Services Department to include the Liquid Waste Strategy on the agenda for a private briefing.</p>	<b>MO</b>
<p><b>Item 5</b> <b>18.09.12</b></p> <p><b>514/1(30)</b></p>	<p><b>7. Asbestos</b></p> <p>It was agreed to request the inclusion of asbestos as a further topic for a private briefing with the Minister for Transport and Technical Services.</p>	<b>MO</b>
<p><b>Item 7</b> <b>8.01.13</b></p> <p><b>514/1(25)</b></p>	<p><b>8. Taxi regulation</b></p> <p>It was agreed to request the inclusion of taxi regulation as a topic for a private briefing with the Minister for Transport and Technical Services.</p>	<b>MO</b>
<p><b>514/1(36)</b></p>	<p><b>8. Planning and Building fees</b></p> <p>The Panel discussed information recently received from the Jersey Chamber of Commerce concerning fee levels charged in respect of planning applications and building control in Jersey, compared with other jurisdictions. It was noted that as the Panel had not carried out its own research this material should be regarded as indicative. However, evidence previously presented to the Panel from another</p>	

	<p>source supported the conclusion that Jersey's planning and building fees (particularly for large-scale commercial developments) were set at a very high level, whereas some services (for example pre-application advice) could not be relied upon to the same extent as would be expected elsewhere. The Panel noted that Jersey's Planning Department now achieved a high level of cost recovery, at around 90-95%, compared with some 50% five years ago, but it was not clear whether this represented good value for prospective developers.</p> <p>The Panel discussed whether some form of audit check would be appropriate to obtain greater clarity on planning and building fees and performance levels. Panel members felt that such a task would be more suited to the rôle of the Public Accounts Committee and it was agreed that the Chairman would therefore raise the matter with the Chairmen's Committee.</p>	<b>JY</b>
<p><b>Item 5</b> <b>11.03.13</b></p> <p><b>514/22</b></p>	<p><b>9. Pathway 2050: An Energy Plan for Jersey</b></p> <p>The Panel discussed possible approaches to the initial meeting with the proposed adviser for the Energy Policy review, to take place on 28th March 2013 (following postponement due to adverse weather conditions of previous arrangements for 11th March). It was felt that the approach could be relatively informal; members agreed to invite the Director for Environmental Policy to join the meeting later to share the department's thoughts about the review.</p>	<b>MO</b>
	<p><b>10. Forthcoming meetings</b></p> <ul style="list-style-type: none"> <li>• Private meeting with potential adviser for review of draft Energy Policy: 10.00am on 28th March 2013, Blampied Room, States Building</li> <li>• Next scheduled Panel meeting: 2.00pm on 23rd April 2013, Blampied Room, States Building</li> </ul>	<b>MO</b>