

### **3.4 Deputy S. Power of St. Brelade of the Chief Minister regarding the Minister for Treasury and Resources' recent comments on the work of other Ministers and Departments:**

Notwithstanding the acknowledged quality and hard work of the Minister for Treasury and Resources, my question is: will the Chief Minister indicate whether he is content with that Minister commenting in public on the work of other Ministers in departments and indeed writing open letters to the media on live applications coming before the Minister for Planning and Environment, the Planning Applications Panel and the Planning and Environment Department?

#### **Senator L.J. Gorst:**

The Minister for Treasury and Resources has clearly stated that he has made no public comment on planning issues since he ceased being the President for the Planning and Environment Committee in 2005. However, the Deputy will be aware that the States Assembly cannot direct or replace Planning Panel decisions. Therefore the only way for a States Member or Minister to address concerns on planning applications is to write to the panel directly which is what the Minister has done in this instance. This was an exceptional circumstance where the Minister was aware of important information which was not in the public domain but which he believed should be.

#### **3.4.1 Deputy S. Power:**

May I be allowed a supplementary question on that? I appreciate the response of the Chief Minister, however I do acknowledge the role of the Minister for Treasury and Resources and that it does transcend in many ways other States departments. However, the problem is that while the Minister is apparently on record as not getting involved directly, the Minister does get involved indirectly and there are examples with the selection and location of the new proposed police headquarters, and indeed the February campaign which was supposed to be a housing campaign conducted by the Minister for Treasury and Resources on behalf of the Minister for Housing. Would the Chief Minister care to comment?

#### **Senator L.J. Gorst:**

Neither of which issues are related to the original question, if I might just point that out. So I think the Deputy is unfair to criticise the Minister for Treasury and Resources in the way that he has. He used the appropriate process, he wrote to the Planning Panel and it is the Planning Panel or the Minister for Planning who will ultimately decide on this particular issue. Perhaps the Chairman is suggesting that now that he has raised the issue in the Assembly he will be stepping aside and not being involved in the decision as well. Politicians must be very careful when they are involved in issues like this, not to favour one side or the other. The process is to make a submission to the Planning Department via the Planning Applications Panel. That is exactly what the Minister has done. With regard to the other 2 cases: of course the Minister was involved in the housing campaign in February that we had because that was quite rightly cross-departmental. The Treasury Department was supporting Housing and Planning with regard to the Starter Home Loan Scheme. They have been involved in looking at States-owned sites. We must remember, and I am sure the Chairman does not need reminding, that States-owned property comes under the remit of the Treasury Department. Perfectly proper and within the Minister for Treasury and Resources' remit.

#### **3.4.2 Senator L.J. Farnham:**

I am just reflecting on the question and I am not trying to defend the Minister for Treasury and Resources, he has proven on many times he can get out of scrapes on his own. **[Laughter]** No, it is not a scrape. I just cannot help but wondering if the Assembly would agree that the Minister for Treasury and Resources is also an ordinary elected Member of the States Assembly. He is a

Senator, and I think Members outside of their ministerial or assistant ministerial responsibilities have a perfect right to ask or say or make anything public they so wish.

**The Bailiff:**

Your question is?

**Senator L.J. Farnham:**

Does The Chief Minister agree? **[Laughter]**

**Senator I.J. Gorst:**

I simply reiterate what I said. The absolutely correct and proper process and channel was employed by the Minister for Treasury and Resources. He has a long history, as I intimated, with regard to this particular site and there was information that he felt, rightly, should be at the disposal of the planning panel. If the Minister was before them before they made that decision, that is absolutely right. I believe he would have been criticised had he not made that public and had the panel not been aware of those facts.

**3.4.3 Deputy J.A. Martin of St. Helier:**

That is the third time now the Chief Minister has said it is only right and proper that the Minister for Treasury and Resources lets facts that he knows personally about a planning application be brought to light. Can somebody please let this whole Assembly and the public know what these facts are, and will the Chief Minister endeavour to enlighten us all as to what has been going on? Thank you.

**Senator I.J. Gorst:**

Nothing has been going on, as the Deputy tries to indicate. Quite clearly the Minister for Treasury and Resources gave a submission to the Planning Applications Panel. Submissions made to that panel are public documents. The Deputy will be able to see that as it is in the public domain.

**3.4.4 Deputy J.A. Martin:**

Supplementary, Sir. Would the Chief Minister explain just how the Minister for Treasury and Resources was the only person that, seemingly at the eleventh hour, had this insightful, very interesting and obviously much needed information for a planning application? How did the Minister for Treasury and Resources have it and nobody else, especially in Planning?

**Senator I.J. Gorst:**

I said quite clearly, once again, the States own sites and sales thereof fall within the remit of the Treasury Department and therefore the Minister for Treasury and Resources was aware of a deal to sell off a piece of land which was then the subject of the planning application. That piece of land was previously in the States ownership.

**3.4.5 Deputy R.G. Le Hérissier:**

Notwithstanding Senator Farnham's characterisation of the Minister's actions as possibly those of a very innocent and dispassionate Back-Bencher, would the Chief Minister not acknowledge that given that ultimately the Minister for Treasury and Resources has political accountability for Jersey Development Company, to make any pronouncements on big office or potential office developments in St. Helier, given the role of Jersey Development Company, is very unwise?

**Senator I.J. Gorst:**

Yet again, another Member, I believe, of the Planning Applications Panel making comment about what is still a live application. I do not believe that the Minister went into the detail of the application with regard to the office accommodation contained therein. He merely spoke about

the sale of a piece of land from the States and his wish to see the historic buildings preserved. A wish which I share.

#### **3.4.6 Deputy M. Tadier of St. Brelade:**

Will the Minister confirm that this is not about the property in discussion? Rather, the underlying rationale is that there has been an ongoing course of action discreetly against the Minister for Planning and Environment because he does not fit in to the inner circle of the Chief Minister's and this submission from the Minister for Treasury and Resources can be seen as an act of sedition against another one of his ministerial colleagues.

#### **Senator I.J. Gorst:**

I am not sure that that was related to the original question either but there we are, we will keep going. The sun is still shining. I would not agree with that at all, the Minister for Treasury and Resources quite clearly wishes to see historic buildings, important parts of St. Helier preserved. That is a wish that I share. If we had our time again I believe that many Members in this Assembly would like to have seen St. Helier preserved in a different way from that which it has. We have few remaining historic sites; we should endeavour where we possibly can to see them preserved. Nothing to do with personalities.

#### **3.4.7 Deputy M. Tadier:**

Supplementary, Sir. What has the Chief Minister been doing, before this application, to preserve the dilapidated derelict and falling down buildings in this part of town? Has action been taken to preserve them up until this point?

#### **The Bailiff:**

I do not think that does arise out of the question. **[Laughter]** I have seen next, Deputy Young. Deputy Young, Deputy Baudains, then the final question, Deputy Power.

#### **3.4.8 Deputy J.H. Young of St. Brelade:**

Notwithstanding, nor wishing to defend our energetic and wide-ranging Chief Minister in his representations, would the Chief Minister not agree that it is important that our planning processes are open and transparent and that all Members of the Assembly, including Ministers, have the opportunity to make representations which are publicly accessible? Would he further agree that that right would be extended to members of the Planning Applications Panel excepting of course if they do so, they should withdraw from decisions?

#### **Senator I.J. Gorst:**

The Deputy makes a very valid and pertinent point. I did say in this instance, in my opening remarks, that these were exceptional circumstances. I understand the difficulty that Ministers sometimes face when they hold a very strong personal view, and yet the legal responsibility lies rightly with the Minister for Planning. How do they make that view known? In this incidence it is right that they make a submission to the Planning Applications Panel, that is what the Minister for Treasury and Resources did, that is what other Members of this Assembly do, day in, day out, when they are representing their constituents and that is absolutely right in this incidence that a listing is preserved. I would say that members of the Planning Applications Panel find themselves in a difficult position because if they make public pronouncements or even private pronouncements about particular sites, they then should withdraw as well from making those decisions because these are very important legally binding decisions and can create value or not for members of our community.

#### **3.4.9 Deputy G.C.L. Baudains of St. Clement:**

I presume the Chief Minister has read the correspondence which we are all talking about, and of course I do not think anybody could disagree with any Member of the States or public bringing

forward material issues to the Minister or the panel. But is the Chief Minister also aware that the Minister for Treasury and Resources sought to influence the Planning Applications Panel by telling it how it basically should take matters forward, and is he content with that?

**Senator I.J. Gorst:**

It is my experience that when I acted as a Parish Deputy representing constituents, one of the things that either the Planning Department or the Planning Applications Panel want to look for is solutions and pragmatic ways forward. I would suggest that where the Minister for Treasury and Resources has said he has made a suggestion, that is all it is, and he has not sought to influence them unduly. He has used the proper legal channels, and he is within his rights to do that and I support him doing it.

**Deputy G.C.L. Baudains:**

I shall have to start telling the Chief Minister how to do his job.

**3.4.10 Deputy S. Power:**

I would like to bring it to a close by acknowledging the deft footwork on the part of the Chief Minister but I do wish to say that I doubt any member of the Planning Applications Panel has conflicted themselves in any way by this question being placed. Would the Chief Minister not agree with me that on matters which are outside a specific Minister's responsibility, that a Minister, such as the Minister for Treasury and Resources, parking his tanks on other Ministers' lawns is entirely inappropriate and sometimes could be interpreted as eclipsing the role of the Chief Minister? Would he not agree?

**Senator I.J. Gorst:**

I could not disagree more with the Deputy. The Minister for Treasury and Resources, as I said in my opening comments, has been a previous President of the Planning and Environment Committee, and is aware of the longstanding arguments and arrangements for the listing of those buildings and he believes strongly that they should be preserved, as do I, and therefore, as an individual Member of this Assembly with experience and with knowledge, he made his submission to the Planning Applications Panel. That is as it should be.