

Environment Scrutiny Panel

24th August 2006
Le Capelain Room, States Building

Present Deputy R.C. Duhamel (Chairman)
 Deputy G.C.L. Baudains (Vice Chairman)
 Connétable K. A. Le Brun of St Mary
 Deputy Le Hérissier
 Deputy S. Power

Apologies

Absent

In attendance I. Clarkson, Scrutiny Officer
 M. Robbins, Scrutiny Officer

Item (Ref Back)	Agenda matter	Action
1.	<p>Minutes.</p> <p>The minutes of the meetings held on 21st and 31st July 2006, having been circulated previously, were taken as read and were confirmed.</p>	
2.	<p>Matters arising.</p> <p>Item 4, 21st July 2006 (Design of Homes Review) –the President of the Association of Jersey Architects had advised the Scrutiny Office that although the invitations to Deputy R.C. Duhamel and Deputy S. Power to speak at events during Architecture Week had been extended independently of any discussions regarding sponsorship, the Association was of the view that some financial assistance from Scrutiny would be most welcome.</p> <p>After careful consideration of its terms of reference the Panel concluded that it would be difficult to justify expenditure on such an event. Accordingly the Panel declined to sponsor Architecture Week.</p>	
3.	<p>Rôle of Accounting Officer</p> <p>The Panel considered a report, produced by the Scrutiny Manager, entitled ‘Appointment of Consultants – Financial Direction 5.1’.</p> <p>The Panel welcomed Mr. M. de la Haye, Greffier of the States and Mrs. K. Tremellen-Frost, Scrutiny Manager.</p> <p>The Greffier of the States explained that he was the designated Accounting Officer for Scrutiny. He reminded members of the functions of an Accounting Officer, as defined by Article 38 of the Public Finances (Jersey) Law 2005. In particular he clarified that he was personally accountable for the proper financial management of the resources of Scrutiny Panels in accordance with the Law. Furthermore, the Greffier was also required to ensure that funds administered by the Panels were used for the purpose for which those funds had been appropriated. Although the responsibilities arguably constituted a limited rôle reversal when compared with the usual politician – public employee relationship, members recalled that the Law had been approved in its existing form so as to ensure effective and transparent accountability in all areas of public expenditure.</p>	

	<p>Turning to the report under consideration, the Greffier advised that he was aware of concerns expressed by some members of the Panel, and by officers, regarding the manner in which a recent Design of Homes related fact finding visit by Panel members to London, together with the associated engagement of an adviser, had been progressed. He stated that it was essential, to ensure compliance with the Law, that the Panel should undertake to plan all such future projects in accordance with Treasury Financial Directions. This would mean the setting, in advance, of clear objectives for a project or for an adviser to meet and, as far as was practicable, clearly defined budgets. Careful consideration should also be given to the matter of whether it was actually necessary to engage a paid adviser in order to deliver the objectives identified. Finally, the Greffier stressed the importance of documenting project proposals, budgets and any significant decisions made so as to satisfy audit requirements.</p> <p>Deputy R.C. Duhamel advised that the adviser for the Design of Homes fact finding visit had been engaged following an initial approach from him. He drew the Panel's attention to the minutes of the meetings held on 21st and 31st July 2006 and reminded members that details of costs and decisions made had been recorded. It was nevertheless acknowledged that the decision to engage the services of the advisor had in fact been made by the Panel prior to 21st July 2006. Moreover, concerns were expressed that insufficient documentary information had been made available at the initial stages of the project and that relevant costs, terms of engagement and details of itineraries had been presented to the Panel in an incremental manner.</p> <p>The Panel noted the advice given by the Greffier of the States and agreed that it would undertake future projects in accordance with relevant Treasury Financial Directions.</p>	Panel
<p>4. (Item 8 24/01/06)</p>	<p>Methods of Working</p> <p>The Panel recalled that it had previously agreed to progress reviews by forming individual working groups. Each working group was charged with conducting detailed investigative work on its allocated review topic and to report back to the Panel regularly. Significant decisions on resourcing and the hosting of public hearings were to be made or carried out by the full Panel.</p> <p>Members acknowledged that there was a need for members to allocate sufficient time to Panel business, notwithstanding the significant workloads arising from the progressing of 3 reviews concurrently. Consideration was given to the option of dispensing with individual working groups and instead conducting reviews consecutively. The Panel concluded that this would be a retrograde step and that the existing workload remained viable as long as Panel meetings were conducted effectively.</p>	Panel
<p>5.</p>	<p>Matters for information</p> <p>The Panel noted the following –</p> <ul style="list-style-type: none"> (a) the Code of Practice for Scrutiny Panels and the Public Accounts Committee (Projet No. P.101/2006 refers); (b) a briefing paper concerning the Chairmen's Committee meeting held on 28th July 2006, and (c) correspondence received from taxi and cab associations regarding reform of the taxi and cab industry. 	

	<p>With regard to item (c), the Panel agreed that it should hold the correspondence on file for more detailed consideration following the anticipated release by the Minister for Transport and Technical Services of a new integrated transport strategy .</p>	IC / MR
6.	<p>Annual Business Plan 2007 – 2011 (P.92/2006)</p> <p>The Panel recalled that the draft Annual Business Plan 2007 – 2011 was due to be debated by the States on 12th September 2006. Several members expressed reservations regarding the content of the draft plan. Deputy R.G. Le Hérisier advised that he intended to lodge ‘au Greffe’ several amendments in his capacity as a private member, including one regarding transport strategy. Deputy R.C. Duhamel expressed concerns regarding the proposed programme of capital projects for the period 2008 – 2011. In particular he noted that in 2008 the sum of £2,974,000 was due to be allocated to a sludge treatment dryer. Notwithstanding the foregoing, Deputy R.C. Duhamel reported that he had been made aware of ongoing co-composting trials, apparently being conducted by the Transport and Technical Services Department, involving the spraying of wet sewage onto compost. It was further understood that Deputy P.V.F. Le Claire of St. Helier was due to report to the States shortly regarding enquiries made by his working group into possible alternative composting solutions for the Island. His report was anticipated to provide significant new information regarding possibilities for co-composting of waste and it was understood that this information might cause members to consider whether there was a need to spend additional sums on new sludge treatment plant in 2008.</p> <p>The Panel noted that paragraph (g) of P.92/2006 requested only that the States give in principle approval to the proposed programme of capital projects for the period 2008 – 2011. It therefore agreed that it should present a comment to the States advising that the Panel reserved its right to bring an amendment to the Business Plan 2008 in the event that Deputy Le Claire’s report cast significant doubt on the alleged need for new sludge treatment plant.</p> <p>Officers were instructed to prepare a draft comment for consideration and approval by the Panel prior to 12th September 2006.</p>	IC
7.	<p>High Hedges Law</p> <p>The Panel considered e-mailed correspondence from the Assistant Director – Policy and Projects, Planning and Environment Department, together with an associated report, dated August 2006, concerning responses to consultation on the draft High Hedges (Jersey) Law 200-.</p> <p>The Panel expressed some concerns regarding the proposed appeals procedure, although it considered that such matters fell outside its remit.</p> <p>The Panel noted that the draft law would be referred to the Law Officers’ Department and HM Receiver General and that the draft law was likely to be lodged ‘au Greffe’ later in the current year.</p>	
8.	<p>Percentage for Art</p> <p>The Panel considered a correspondence and an associated discussion paper, dated 4th August 2006 and submitted by the Assistant Director – Policy and Projects, Planning and Environment Department, concerning draft supplementary planning guidance on a percentage for art policy.</p>	

	<p>The Panel recalled that Policy BE12 of the Island Plan 2002 had acknowledged the benefits of allowing for negotiations on 'voluntary allocation of an appropriate percentage of design and development costs to the provision of public art'. It noted that the proposed supplementary planning guidance was designed to build upon Policy BE12 and upon the States Cultural Strategy.</p> <p>Having reviewed the proposals, the Panel agreed that significant parallels could be drawn between percentage for art and the wider concept of planning obligations, the latter having already been considered in some detail during the course of the Planning Process review. It therefore decided that the draft should be referred to the Planning Process Working Group for detailed consideration.</p>	GB / RLH / IC
<p>9. (Item 5 21/07/06)</p>	<p>Work Programme – Planning Process</p> <p>The Panel considered a progress report, dated 18th August 2006 and prepared by the Scrutiny Office, concerning the ongoing Planning Process review.</p> <p>It was reported that edited transcripts of all public hearings conducted to date were now available and that the Planning Process Working Group had reviewed all the evidence obtained. The analysis had revealed issues ranging from the manner in which the draft Island Plan 2002 had been compiled and consulted on through to the effective policing of permits. Arguably the most significant issue was the production of development briefs for Category A housing sites identified in the Island Plan. For example, the Planning Process Working Group had identified at least one development brief that appeared not to have been approved in accordance with Policy H6 of the Island Plan 2002.</p> <p>The Panel was invited to consider options for a way forward. It first considered whether there was a need to obtain legal advice –</p> <ul style="list-style-type: none"> (a) on the legal status of development briefs; (b) on the matter of whether a failure to approve development briefs in accordance with Policy H6 of the Island Plan 2002 was a significant issue for the States, and (c) on whether the States of Jersey Law 2005 and / or the Planning and Building (Jersey) Law 2002 could be amended to allow development briefs to be presented to the States for a set period, thereby giving members a time-limited opportunity to trigger a debate on the brief if the content proved to be controversial. <p>With regard to item (a) above, the Panel was reminded that HM Attorney General had given detailed legal advice on matters concerning development briefs during an in camera States debate on 4th July 2006.</p> <p>The Panel instructed officers to write to HM Attorney General seeking advice on item (c) above only.</p> <p>The Panel subsequently decided that it wished to invite Senator F.E. Cohen, Minister for Planning and Environment, to attend two additional public hearings. One hearing was to be devoted primarily to questions regarding the Island Plan and higher level policy matters, while the other would allow the Panel to concentrate on process matters. Following completion of the hearings the process of drafting a final report would begin. It was hoped that a draft report might be ready on or before 29th September 2006. A list of draft questions for the Minister had been circulated previously. Officers were instructed to add further questions concerning the</p>	<p>IC</p> <p>IC</p> <p>IC</p>

	<p>Historic Buildings Section, the draft percentage for art policy and issues regarding the Department's Web site and to recirculate the amended list to all Panel members.</p> <p>Turning to correspondence received, the Panel considered an e-mail from a Mr. J. Mesch concerning an in principle application for a restaurant on an area of Gorey Common. The Panel noted that the application had since been withdrawn. It nevertheless agreed that the matter was worthy of referral to the Planning Process Working Group for further consideration. Officers were instructed to write to Mr. Mesch thanking him for his submission.</p> <p>The Panel considered a report prepared by the Scrutiny Office entitled 'The Digimap System – A Chronology', together with e-mailed correspondence from Senator B.E. Shenton. It was reported that a cartographer working in the private sector had made a complaint to the Jersey Competition Regulatory Authority that the States of Jersey had stifled competition in the mapping market by introducing a corporate digital mapping system and requiring that the corporate product be used in certain circumstances, including the submission of planning applications. The Panel agreed that it was likely to comment on the matter as part of its final report; however, it considered that the matter should also be referred to the Public Accounts Committee for its consideration.</p> <p>Finally, the Panel was advised that Ministerial Decisions concerning reconsidered planning applications were not being published by the Planning and Environment Department in a timely manner. Although the Minister was understood to have made decisions on 60 such applications, 53 of those had yet to be published on the www.gov.je Web site. Of the 53 decisions that had yet to be published, 37 were delayed by more than 6 weeks. The Panel decided that the lead member should write to the Minister expressing concern regarding the extent of the backlog.</p>	<p>GB / RLH / IC</p> <p>IC</p>
<p>10. (Item 1 31/07/06)</p>	<p>Work Programme – Design of Homes</p> <p>The Panel received a briefing pack and progress report, prepared by the Scrutiny Office, concerning the ongoing review. A Gantt chart outlining the proposed time period to be taken by each section of the review was also considered. The Panel noted that the revised target date for presentation of a report to the States was January 2007.</p> <p>The Panel received an oral briefing from Deputy S. Power, together with a photographic slideshow, regarding sites visited during the course of the recent fact finding visit to London. Members of the Panel expressed differing views regarding the quality of some of the buildings visited and also on whether several of the architectural styles could be made to work in a Jersey context. The Panel nevertheless accepted that zero or low carbon developments were currently of particular relevance to the Island and that the visit to the Beddington Zero Energy Development (BedZED) had yielded significant quantities of relevant evidence in this regard.</p> <p>The Panel reviewed the manner in which the fact finding visit had been planned. It noted a paper submitted by the Scrutiny Office confirming that the total cost of the visit stood at £3479.56 (exclusive of a £500 fee paid previously to Mr D. Mason as recompense for loss of earnings and time expended on the venture). The Panel recalled that the visit had been planned on the basis that a greater number of politicians and officers had initially been expected to accompany Panel members.</p> <p>The Panel considered sending one or more members to a</p>	

	<p>conference entitled 'Decent Homes: Achieving Best Value and Top Performance' to be held at the Earls Court Conference Centre in London on 31st October. It was agreed that the conference would not add value to the review. Accordingly the Panel decided that it would not send a representative to the conference. Officers were instructed to pass on details of the conference to the Housing Department.</p> <p>The Panel considered an additional report, prepared by the Scrutiny Office, entitled Briefing Paper - Design of Homes. Deputy S. Power reported that the working group had been invited by the Minister for Planning and Environment to work with him and his officers in a co-ordinated manner and with a view to assisting in the production of revised policy guidance notes on amenity space, room sizes, carbon-neutral development and parking. Under the terms of the offer, officer resources from within the Planning Department would be made available to the Working Group, together with dedicated office space at the Department's headquarters at South Hill. Deputy Power considered that the suggestion had significant merit. He therefore invited the Panel to endorse the approach as outlined in the report.</p> <p>Concern was expressed that the Minister's proposal would cause the Panel to become directly involved in the formulation of new policy. In turn this might set a dangerous precedent through which the ability of the Panel to review that policy objectively at a later stage might be compromised. Accordingly the Panel agreed that the review should continue to run in parallel with the ongoing work of the Department. It was nevertheless noted that the Design of Homes Working Group would need to make fact finding visits to the Department from time to time. Deputy S. Power was invited to notify the Minister of the Panel's decision.</p> <p>The Panel considered correspondence from the Association of Jersey Architects concerning a proposal to 'fast track' new garden and parking standards. It agreed that the 2 topics would be addressed quickly by adopting a modular approach to the review and, if necessary, issuing an interim report or reports.</p>	<p>MR</p> <p>SP</p>
<p>11. (Item 4 21/07/06)</p>	<p>Work Programme – Waste Recycling</p> <p>The Panel considered a progress report, dated 18th August 2006 and prepared by the Scrutiny Office. It was reported that the St. Helier Zero Waste Trial appeared to be working well and that the Panel might well be able to produce a report during October 2006.</p> <p>Questions were asked regarding the current status of the St. Helier Zero Waste Trial. Members expressed concern at the continued absence of a written agreement confirming the basis on which the Panel had agreed to provide £5,000 of sponsorship for the trial. It was also noted that a written project brief covering the detailed administrative, logistical and budgetary arrangements for the trial had still not been forthcoming. Deputy R.C. Duhamel reported that the trial had suffered some initial difficulties, including staff holidays and matters raised by the staff union. Those issues had since been resolved and it was anticipated that the trial would be operating normally by September 2006. Deputy Duhamel advised that all waste arisings had been weighed at the beginning of the trial and that significant quantities of relevant data were now being generated.</p> <p>On the specific matter of the £5,000 sponsorship, Deputy R.C. Duhamel advised that he had personally made Connétable A.S.</p>	

Crowcroft of St. Helier aware that he would only be prepared to release funds if the figures arising from the trial had been collated professionally and were of use to the Panel. Moreover, Deputy Duhamel reported that he had secured a degree of indirect control over the Zero Waste Trial through having been made a member of the Zero Waste Trial – Political Steering Group overseeing the project. The Panel was nevertheless advised that its initial decision to set aside £5,000 had not been qualified and did not appear to have been communicated to the Parish of St. Helier in writing. In view of the absence of a detailed project document endorsed by the Panel, it was suggested that the Panel might wish to write to Connétable Crowcroft specifying the type and quality of data that the Panel expected to receive in return for the £5,000 contribution and also to clarify that the Panel reserved the right to decline payment if the data as specified was not provided within a specified, and reasonable, timescale. Deputy Duhamel undertook to write to Connétable Crowcroft in suitable terms.

RD

In addition to the £5,000 sponsorship of the Zero Waste Trial, it was clarified that the 3 month hire of the Krystaline Sonic Imploder at a total cost of £1000 (exclusive of hospitality costs) had been secured in order both to generate positive publicity regarding options for recycling and also to process glass recovered as part of the Zero Waste Trial. Anecdotal accounts alleging that the Krystaline machine had remained largely unused since the Channel TV news broadcast of 27th July were challenged by Deputy Duhamel. He reported that a key project member was currently away on leave and that he would invite the Parish to use the machine as intended once the officer returned. Clarification was sought as to whether the Transport and Technical Services Department had been invited to view the machine. Deputy Duhamel advised that although no such invitation had been issued, the Department had not requested a viewing either.

RD

Officers clarified that on the afternoon of 23rd August 2006 they had received several documents concerning the St. Helier Zero Waste Trial. Copies of the said documents, including minutes of the Zero Waste Trial – Political Steering Group dated 31st July and 7th, 14th and 21st August 2006, were distributed to Panel members during the course of the meeting. On reviewing the documentation supplied, members noted that issues with the quality of some baseline data had been recorded. Deputy Duhamel stated that although he was not aware of any specific data integrity issues, he did not consider that any such issues would be difficult to resolve. He anticipated that the trial would operate for a period of 3 months and that a report containing the statistical data obtained would be presented to the Panel at the end of that period. The extent to which minutes of Political Steering Group meetings were circulated was queried. Deputy Duhamel advised that copies were sent to several St. Helier Deputies.

RD / Political Steering Group

A further query was raised regarding the manner in which milk cartons were processed within the St. Helier trial. Deputy Duhamel advised that the cartons could in theory be recycled as both plastic and paper. Moreover, he was personally aware that a company known as Tetrapak was trialling a dedicated recycling scheme in the United Kingdom that could process such cartons.

RD

Deputy S. Power requested that he be invited to attend a Zero Waste Trial – Political Steering Group meeting as an observer and that he be permitted to visit the premises used to sort waste arisings. Deputy Duhamel advised that he would discuss with the

	<p>Steering Group the request to attend meetings and that the waste processing facility remained open until 2.30 pm.</p> <p>The Panel next turned its attention to the proposed composting exhibition on 15th and 16th September. A series of questions were asked regarding the detailed format for the event, the full extent of the budget required and the extent, if any, to which the exhibition was being conducted in support of the working group, chaired by Deputy P.V.F. Le Claire, that was due to report to the States on alternative composting solutions. Deputy Duhamel confirmed that he had issued invitations to a series of relevant companies and that the companies were all attending at their own expense. There would be no question of the Panel promoting any one company over another. All States members would be invited to attend the event. Concerns were expressed regarding the possibility that the number of exhibitors and visitors might not be sufficient to fill the venue.</p> <p>A report prepared by the Scrutiny Office was subsequently circulated to the Panel advising of anticipated additional costs (over and above the £3,600 hall hiring fee approved previously), as identified by the Scrutiny Office, arising from the decision to host the composting exhibition. Having considered the report the Panel approved an additional budget not exceeding £3,000 for the purposes of facilitating the composting exhibition. It delegated authority to the Waste Working Group to approve individual items of expenditure within that budget. It was further clarified that the fee for hiring the hall at the Royal Jersey Agricultural and Horticultural Society was the standard rate charged to States departments. No further discounts were available.</p> <p>The Panel then considered a proposal to host an art exhibition from 25th – 29th September 2006 at Jersey Airport. Deputy Duhamel explained that prospective exhibitors had been invited to produce a series of pieces for display using waste materials. The purpose of the exhibition would be to encourage the public to view waste arisings as a potential commodity. Panel members expressed a number of reservations regarding the project as outlined, including the volume of arisings likely to be diverted from the waste stream by artists in future years and the possibility of negative media coverage. It was suggested that the art exhibition could be facilitated using spare capacity at the Royal Jersey Agricultural and Horticultural Society hall on 15th and 16th September during the course of the composting exhibition; however Deputy Duhamel expressed concern that there would be insufficient time available for the artists to prepare. He also suggested that it might prove more difficult to ensure that the composting exhibition secured an appropriate level of press coverage if it was staged as part of a dual purpose event. Deputy Duhamel advised that he would prepare a revised proposal for consideration by the Panel at a subsequent meeting.</p> <p>The Panel noted the remainder of the progress report and requested that a Gantt chart be presented at the next scheduled meeting outlining the revised timescale for the review.</p> <p>A report outlining a proposed fact finding visit to Cardiff and to the Isle of Wight was deferred to the next scheduled meeting.</p>	<p>RD / KLB / SP / MR</p> <p>RD</p> <p>RD / SP / KLB MR</p> <p>Panel</p>
12.	<p>Date of next meeting</p> <p>The next meeting would be held at 9.30 am on Thursday 7th September 2006 in Le Capelain Room, States Building.</p>	

Signed

Date

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Chairman, Environment Panel

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