

2020.04.21

3 Deputy K.M. Morel of the Minister for the Environment regarding the decision to locate a temporary hospital at Millbrook Playing Fields: (OQ.99/2020)

Was the Minister consulted upon any planning policy and planning law implications prior to the decision being made to locate a temporary hospital at Millbrook Playing Fields; and, if so, under which policies and statutes did he provide authorisation for the construction of the hospital?

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

On the Monday, 30th March, it was the first advice that I had from the acting Director General of G.H.E. (Growth, Housing and Environment) that there was a need to consider amending legislation in order to allow for the building of a temporary hospital. Obviously with urgency. Then the next was on the Thursday, 2nd April, when I, as Minister, was advised by the officers that they were preparing an amendment to the Planning and Building (General Development) (Jersey) Order, in order to allow for the building of a temporary hospital. In layman's terms, that is the Order which exempts various types of developments from making applications. The next step was on my weekly briefing with all officers on Wednesday, 8th April, when I did have a briefing about the implications for a planning order, the potential planning issues and indeed, at that time, it was clear that the Draft Planning and Building (General Development) (Amendment No. 5 - COVID-19) (Jersey) Order 2020 was amended and I was given details of that information. I saw an early draft and I raised a number of questions, particularly the period in which the hospital would be arraigning on the site, because the legislation of course is temporary, and indeed the period that the use could continue. I reduced that from 6 to 12 months (sic). I have to say I was rather cheeky and I was not told the site at that time and I asked the direct question: "Where was being considered?" and I was advised, in confidence, that it would be proposed to be on Millbrook Playing Fields. I did ask at that time, obviously I was given that information in confidence, and I asked that the Constable be informed and the Deputies for the area because there is no question that there was impact on residents and I pointed out that those things need to be properly dealt with. On the next day, of course, it was the emergency States sitting for Easter on Thursday, 9th April, I formally signed the Planning and Building (General Development) (Amendment No. 5 - COVID-19) (Jersey) Order 2020 and I was told that the decision was going to be made later that day because contracts would be signed. So I felt that I had been given that information. Indeed, I think the announcement was done that day. Of course I am continuing to be given briefings about it and, in particular now, looking at building control aspects, which of course are not exempt because building controls are essential for safety.

The Bailiff:

Minister, I appreciate that that question probably did require a fairly lengthy answer but could I remind Members that the usual rules of question and answers apply and that if it is at all possible, questions should be succinct and answers should not normally last longer than one minute and 30 seconds. I say that in the interests of getting through all of the questions on the question paper and for no other reason. Do you wish a supplementary?

3.3.1 Deputy K.F. Morel:

Yes, please, Sir. Firstly, just very quickly, sadly the Deputies were not consulted, as requested by the Minister. Would the Minister confirm whether or not that Order that he signed on 9th April was then forwarded to Scrutiny for their attention?

Deputy J.H. Young:

I cannot confirm that because all my communications have been through the officers and virtual and I asked them to ... so I was presented with that just before lunch, I think, roundabout lunchtime on Thursday the 9th and, as Members will know, I think the announcement was made later that day. So I cannot confirm that.

3.3.2 Connétable D.W. Mezbourian of St. Lawrence:

I would just like to know whether the Minister was advised whether or not his request that the Deputies and the Constable be put on notice about the potential preferred site was actually carried out? Because we have just heard from Deputy Morel that he was not advised and my recollection is that I was told that the preferred site was the Millbrook Playing Fields, and that was 10 minutes before the meeting of the Emergencies Council. So the question is to the Minister: was he advised whether his request had been actioned?

Deputy J.H. Young:

The short answer is no. As you heard from my longer answer, which I gave because I think it is important, that the timescale was very short and I made the request and I was given that information on 8th April in confidence and not able myself to communicate it. But I do rely on the officers to do the necessary. Obviously if that has not happened that will need to be followed up. But at the moment, I cannot confirm that.

[10:15]

3.3.3 Deputy J.M. Maçon of St. Saviour:

I appreciate for the Minister obviously this is a quick moving situation but can the Minister please explain how this decision and any other decisions are going to be made in order to keep Assistant Ministers fully informed and know what is going on?

Deputy J.H. Young:

My recollection, and I struggle with this, is I believe that at the meeting on 8th April I think my Assistant Minister was present.

3.3.4 Deputy J.M. Maçon:

We know that I think all Ministers now have at least 2 Assistant Ministers behind them. Is the Minister able to confirm which Assistant Minister he was referring to?

Deputy J.H. Young:

Certainly my recollection is Deputy Guida was there. I cannot recall whether Deputy Tadier, who had been recently added to our weekly briefly, was included. But there was no question there were a number of people present at that virtual meeting the first time when I asked that question what was the site and I was told in confidence.

3.3.5 Deputy R. Labey of St. Helier:

Does "in confidence" mean you cannot disseminate the information to your own Assistant Minister?

Deputy J.H. Young:

No, that is why I am saying that I think ... my recollection was Deputy Guida, my Assistant Minister, is involved with all my meetings. Of course he is a Deputy of St. Lawrence so he was there. But I think he was probably put under the same confidence that I was given.

3.3.6 Deputy R. Labey:

Quick supplementary. I was referring to Deputy Tadier.

Deputy J.H. Young:

I cannot confirm ... of course, I try and make sure that all the Assistant Ministers receive and they all should be invited to meetings but whether they are actually present I cannot confirm at the moment. I need to check back through the record.

3.3.7 Deputy K.F. Morel:

Picking up on Scrutiny, does the Minister believe that, given the short timescale that there is for rescindment motions of Orders, when he signs Orders and indeed when all Ministers sign Orders at the moment, they should be flagged directly with Scrutiny?

Deputy J.H. Young:

Yes, that is the normal process. But I have to say, on this occasion, I was presented this with a short timescale. I certainly was told that this was an absolute emergency. It was not a sign off on the Millbrook hospital as such, it was a sign off on the amendment to the law, which allowed the States to do any development on any land and change any use without consent. I think purely for emergency what I did was to limit the timescale. But I cannot, at the moment, because I am not in possession of that information, know when and what time that was sent through to Scrutiny. I am sorry, I do not have that information.