

## **8. Statement by the Chairman of the Environmental Scrutiny Panel regarding the replacement of Bellozane Incinerator**

### **8.1 Deputy R.C. Duhamel of St. Saviour (Chairman of the Environmental Scrutiny Panel):**

At the last States meeting on 3rd June 2008 the Transport and Technical Services Minister made the following statement: "We have been requesting now for some time further talks with the Environment Scrutiny Panel's consultants which have been flatly refused by the panel." The statement was not challenged at the time as it was not relevant to the line of questioning that was being pursued in relation to the release of cost schedules P.72/2008 proposition. It is important that I correct the record for Members. The panel has not made a decision to deny access to a meeting with our consultants. The Environment Scrutiny Panel invited Juniper Consultancy Services Limited to present their findings to States Members as part of a public exhibition on waste issues on 25th April 2008. Following this presentation the company agreed to repeat the presentation at a date to be determined for the benefit of those States Members who did not attend. On 21st May 2008 the Scrutiny Office received an e-mail request from Transport and Technical Services with an attached schedule of key issues that the department wished to discuss with Juniper at a meeting in the next few weeks. Juniper was made aware of these key issues. At the panel's next meeting on 22nd May 2008 the panel briefly discussed the request and agreed that the cost of any additional meeting specifically requested by Transport and Technical Services should not be borne by the Scrutiny Panel. The draft minute of the meeting records that the panel considered a request by the Transport and Technical Services Department that Juniper visit to discuss the report with them and the panel agreed that it did not intend to meet the cost of such a visit. This decision was not adequately conveyed to Transport and Technical Services. When Juniper were approached to finalise the date for the repeat presentation of their findings they indicated that they were unable to meet any date in advance of 1st July 2008. Since that time the Environment Scrutiny Panel has been made aware of the confidential minute of the Council of Ministers dated 8th May 2008 in which the Transport and Technical Services Minister was requested to extend an invitation to Juniper to clarify certain matters before the States debate scheduled for 1st July 2008. The panel has also now been advised that Transport and Technical Services made a direct approach to Juniper. Juniper Consultancy Services Limited has properly indicated that they cannot undertake work directly for Transport and Technical Services while still undertaking work for the Environment Scrutiny Panel. The panel, however, is keen to arrange a meeting between Juniper, Transport and Technical Services and the panel at which the Transport and Technical Services can raise any issues or concerns that it has with the report. Unfortunately, as stated above, there is no possibility of a meeting until after the planned date of the debate. Having just received the Council's minute on 13th June 2008 and being appraised of the concerns raised by the Council of Ministers which will require our consultants to undertake additional work, the Environment Scrutiny Panel will make further representations to Juniper to seek to undertake this analysis in advance of 1st July 2008. However, as set out above the panel is not confident that the extra work can now be completed in the time available before the debate. The panel is therefore of the opinion that in view of the large sums of public expenditure involved in the proposed replacement of the Bellozane incinerator, Transport and Technical Services should defer consideration of this item until the department's officers have resolved all outstanding issues with our consultants.

#### **8.1.1 Senator M.E. Vibert:**

I am very concerned at suggestions that it should be further delayed. One of the issues that I would like clarification on - in the interests of openness and transparency and so I can properly scrutinise what has been happening - is there is a line in here that says: "This decision was not adequately conveyed to Transport and Technical Services." I feel this might be part of the problem for the delay. Can the Chairman elaborate on this - this rather coy wording - and tell us

his understanding of what was conveyed to Transport and Technical Services and give us an assurance that in future procedures are in place so that decisions will be adequately conveyed to departments in future.

**Deputy R.C. Duhamel:**

Certainly, Sir, in a minute from one of the officers it was stated that the panel has considered the request - this is a letter from the officer to one of the officers of the department: "The panel have considered a request from yourself to have the meeting with Juniper and have decided that they do not want this to take place." As I said earlier in the statement, Sir, this did not adequately convey the sense of the meeting that took place which was a request for a private meeting to take place, and that has been officially documented by Juniper, between Transport and Technical Services and Juniper. As stated earlier, Sir, Juniper Consultancy Services are still under contract with the Environment Scrutiny Panel and the Council of Ministers on 8th May specifically asked T.T.S. (Transport and Technical Services) for them to carry out another body of work. No letter has been received by the Environment Scrutiny Panel, either from the Council of Ministers or a proper letter from Transport and Technical Services making us aware of this particular request.

**8.1.2 Senator M.E. Vibert:**

A brief supplementary. What was said in the statement was the decision was not adequately conveyed. It seems to me that the wrong information was provided saying they did not want it, not that it was not adequately conveyed.

**Deputy R.C. Duhamel:**

The conveyance of the decision that was taken at the meeting was that a private meeting... the cost of which would not be borne by the Environment Scrutiny Panel.

**8.1.3 Deputy G.W.J de Faye:**

I am grateful to the Chairman for acknowledging that the correspondence sent to Transport and Technical Services Department did not adequately convey the views of his panel, which was that they considered the request to have a meeting with Juniper and have decided "that they do not want this to take place." The panel, according to the Chairman, were previously discussing the costs of getting Juniper over, would the Chairman confirm that Transport and Technical Services Department offered to defray some of those costs?

**Deputy R.C. Duhamel:**

The Minister is inaccurate in what he is suggesting and I have a minute from the Greffe as of yesterday suggesting that perhaps the minute that was written was not adequately conveyed to the department and notifying the Environment Scrutiny Panel of suggestions that would have perhaps allowed a wording to properly convey what the decision was. As stated, the decision of the Environment Scrutiny Panel was that it did not wish to pay for the cost of a private meeting between Transport and Technical Services and Juniper. What it did not say was whether or not the panel was of a wish to progress a meeting at which Transport and Technical Services would be able to put their points of view, which obviously we do support. Likewise, it did not say - because we were not aware until 13th June of the Council of Ministers request - that this request goes further than a meeting but are specifically asking Transport and Technical Services to undertake a further body of work, through our consultants, before the debate.

**8.1.4 Senator P.F.C. Ozouf:**

The Chairman is asking effectively, as I understand it, for a further delay. We had a briefing at lunchtime in which we were further made aware of serious issues at Bellozane which his statement does not reflect in relation particularly to problems lately with the chimney. Can the Panel Chairman please explain to me what his recommendation would be if we do face a

situation of effectively having to shut down the Bellozane incinerator: what are we going to do with all the rubbish?

**Deputy R.C. Duhamel:**

The panel have made it abundantly clear through its discussions, certainly internally, that there are strong alternatives either for shipping recyclable material - which are allowed under the law - to U.K. or European recycling facilities, however the materials have to be fairly clean. One of the difficulties with all of this is the element of food waste contamination in the waste materials that are collected by the Parishes. It has been a suggestion for a long time, Sir, that perhaps - and certainly it is intimated in the Juniper report - one way of not only reducing the load on the ailing plant - and nobody on the Environment Scrutiny Panel denies that - would be to recycle greater quantities of material and in order to achieve that in the simplest, easiest and most cost-effective way an element of the food waste has to be taken out in order to achieve that.

**The Greffier of the States (in the Chair):**

Senator Ozouf, we cannot allow this to turn into a debate on...

**8.1.5 Senator P.F.C. Ozouf:**

I was just going to ask the Chairman whether or not he would provide a report to the Assembly effectively setting out a detailed implementation plan so that Members can be apprised of either of the 2 options.

**Deputy R.C. Duhamel:**

The Environment Scrutiny Panel - I think I speak for all Members - will be quite happy to provide an alternative plan for the way forward but only if there is a general consensus among the House that that is, in fact, within the remit of the Scrutiny Panel. Hitherto we have been told that it is okay for us to scrutinise existing policies of the department but indeed if the States would like us to do that then I am quite happy to undertake that on behalf of the panel in short order.

**8.1.6 The Connétable of St. Helier:**

Would the Chairman not agree with me that the state of the incinerator chimney which we are all concerned about gives the Island a problem it has to deal with anyway, regardless of when this debate takes place on the replacement of Bellozane, and that T.T.S. and the Parishes are going to have to work closely together to make sure that we can deal with the fact that the incinerator is coming to the end of its life.

**Deputy R.C. Duhamel:**

I would do so. I certainly agree with the comments of the last speaker. He is absolutely right. Whatever happens in terms of a debate taking place and a decision as to a replacement for the ailing plant at the moment, the existing plant will have to be nursed or coaxed to deal with the materials for the intervening period until the new facility is available. We are told by the department that that could be up to 3 years, perhaps a little bit shorter. Nonetheless there do exist very cheap methods of dealing with the Island's waste in the interim which would inevitably drive-up the possibility of recycling targets to a higher level and prove to the Island once and for all that there are perhaps greener sharper ways, and certainly more cost-effective ways, of dealing with the Island's waste rather than going for an expensive piece of kit.

**The Greffier of the States (in the Chair):**

Deputy Scott Warren, I have allowed this to stray rather too widely but if your question is to elucidate the statement I will allow it but if it is to continue the general debate on waste I think I must say we are coming to the end.

**8.1.7 Deputy C.J. Scott Warren:**

Would the Chairman agree that any delay would be very short but would make Members more confident about the decision that is, at the moment, tabled for 1st July, having consulted Juniper further on its recommendations? Thank you.

**Deputy R.C. Duhamel:**

I think that is absolutely right, Sir. The Council of Ministers quite rightly on 8th May set out their worries, so to speak, in making the request to the Transport and Technical Services Minister to ensure that Juniper, our consultants, were offered the opportunity to set out an additional piece of work to allow the Council of Ministers to come to the conclusion that what was being put forward by the Transport and Technical Services Minister as part of his proposition was indeed the way forward. I have to stress, Sir, in repetition, that this work cannot be undertaken before 1st July. The delay is not due to any intransigence or any other reasons on behalf of the Environment Scrutiny Panel. Quite clearly, Sir, our consultants are prepared to do this piece of work and we are quite keen that this work is undertaken so that all Members can be privy to the full details in order to make a balanced consideration when the time comes.

**The Greffier of the States (in the Chair):**

The Assembly will come to the arrangement of business at the end of the meeting, they have heard your views, Chairman, and a decision will be taken about the 1st July date. We come now finally in statements to a statement made by the Assistant Minister for Home Affairs. Assistant Minister.