

Environment Scrutiny Panel
Meeting Number 25
7th September 2006
Le Capelain Room, States Building

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

Apologies Deputy G.C.L. Baudains (Vice Chairman)

Absent

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

Item (Ref Back)	Agenda matter	Action
1.	<p>Minutes.</p> <p>The minutes of the meetings held on 24th August 2006, having been circulated previously, were taken as read with one exception. The Panel required re-wording of paragraph 3 in item 10 to reflect that the £500 fee paid previously to Mr D. Mason was as recompense for loss of earnings and time expended on the fact finding visits and not as stated for compensation for time away from his business. The minutes were to be signed once this change had been made.</p>	MR / IC
2.	<p>Matters arising.</p> <p>There were no matters arising.</p>	
3.	<p>Matters for Information</p> <p>The Panel noted the following Ministerial Decisions</p> <ul style="list-style-type: none"> (a) Extension of Delegated Powers – Provisional Listings (MD –PE 2006-00114) (b) Fees for Planning Applications (MD-PE-2006-0088) (c) Appointment of members to Jersey Environment Forum (MD-PE-2006-0112) (d) Approval of Plan: Weighbridge – Lease to Waterfront Enterprise Board. (MD-PH-2006-0070) <p>In relation to (b) the Panel discussed the use to which fees were being used and whether architects should be doing the inspection of buildings themselves.</p> <p>In consideration of (c), the Panel expressed concern as to whether the process was sufficiently open to the public. It also wanted to know more about the weighted matrix used in the evaluation system. The Panel required officers to write a letter to Senator F Cohen, Minister of Planning and Environment to obtain more information on the recruitment process.</p> <p>Ministerial decision (d) raised questions about the time restraints imposed within decisions and the Panel charged the Chairman with bringing time sensitive issues to the Panel by telephone meeting if necessary to avoid being timed out in future.</p> <p>The Panel required Officers to write a letter to Senator F. Cohen Minister for Planning and Environment, copied to Senator T. A. Le Sueur, Minister for Treasury and Resources, requiring</p>	MR Chairman IC

	confirmation that planning applications for a change of use or for building on the land had not yet been submitted.	
<p>4. (Item 6 24/08/06)</p>	<p>Annual Business Plan</p> <p>A draft comment as required by the Panel during its meeting of 24th August 2006 was presented. The Panel considered the wording and concluded that the comment should read:-</p> <p style="text-align: center;">Annual Business Plan 2007–Comment</p> <p>The Environment Panel noted that paragraph (g) of the proposition invited the States –</p> <p style="padding-left: 40px;">‘to approve in principle the total net revenue expenditure for the States funded bodies, as set out in Summary Table C, page 58, for the period 2008 to 2011 and the proposed programme of capital projects for the States funded bodies for 2008 to 2011 as set out in the Summary Tables F to I, pages 61 to 64 respectively;’</p> <p>The Panel also noted that, in the proposed programme of capital projects for 2008 – 2011, a sum in excess of £2.9 million had been provisionally allocated to a sludge treatment dryer.</p> <p>It was understood by the Panel that the working group headed by Deputy P.V.F. Le Claire of St. Helier was due to report imminently on possible alternative solutions for processing the Island’s compostable waste. It further understood that the content of that report included information regarding solutions that were also capable of dealing effectively with some liquid waste material. On that basis the Panel wished to inform the States that it was not necessarily opposed to paragraph (g) as reprinted above. However, it reserved the right to bring an amendment to future annual business plans should it subsequently be demonstrated that expenditure on the sludge treatment dryer, or indeed any other proposed capital bid listed within Tables F to I, represented a debatable use of public funds from an environmental and / or a best value perspective.</p>	<p>Panel</p>
<p>5. (Item 9 24/08/06)</p>	<p>Planning Process</p> <p>The Panel noted a progress report dated 1st September 2006 submitted by the office outlining that at the last meeting it was agreed to invite the Minister for Planning and Environment to attend two further public hearings to discuss various aspects of the evidence received. One hearing had been scheduled for 10.00am on Tuesday 19th September 2006. A suitable time and date for the Minister to attend a second meeting had not been identified but this was to be done.</p> <p>On the matter of topic areas to cover in the proposed hearings, members agreed to divide up their questions as suggested in the progress report.</p> <p>The Panel delegated authority to the Planning Process Working Group to issue a press release concerning the two hearings.</p> <p>A letter to HM Attorney General had been sent in respect of 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,</p>	<p>Panel / IC</p> <p>Panel</p> <p>GB / R Le H</p>

thereby giving members a time-limited opportunity to trigger a debate on the brief if the content proved to be controversial.

Members also noted that Deputy I. Gorst of St. Clement had sent to Senator F. Cohen, the Minister for Planning and Environment, further correspondence and a series of photographs regarding Lezardrieux, St. Clement. This had prompted the Chief Executive Officer, Planning and Environment to conduct an investigation of the circumstances surrounding this application. An update was expected shortly.

	<p>It was intended that drafting of initial background sections of the Panel's report would begin on 11th September 2006 with a view to a first draft available by the end of September.</p>	
<p>6. (Item 10 24/08/06)</p>	<p>Design of Homes</p> <p>A position paper dated 29th August 2006 was noted</p> <p>The information gained on the London fact-finding trip was considered to have suitably met the objectives of sustainability, innovation and regeneration. Deputy Power was to prepare a paper on this. The Panel agreed that further questions remained unanswered about the interior of buildings and how buildings met the stated objectives in a waterfront setting or in more traditional settings. As these issues were directly relative to the Jersey situation, the Panel agreed that these specific issues would best be examined by completing the second half of the initially proposed fact finding package, namely by visiting Malmo and Vienna. The officer was tasked with the preparation of a discussion document and costing and dating this trip with a preference for either 26th – 28th October (26th is Austrian Bank Holiday) or 16th and 17th November 2006.</p> <p>An examination of Planning Advice Note Number 1 had been started with the group looking at street layouts and village planning. The lead member intended to visit areas around Jersey to photograph good and bad examples of street design.</p> <p>Deputy Power made reference to 'the decision of the Panel, as recorded on 7th September 2006, regarding a proposal for cooperative working with the Minister for Planning and Environment. Deputy S. Power advised the Panel that he had notified Senator Cohen of the decision. The Chairman advised the Panel that he had invited the Minister to a working meeting to establish common ground. This meeting was arranged for the 29th September.</p> <p>A discussion followed on working practices. It was agreed that discussions with Ministers on matters falling within the terms of reference of the Design of Homes review should be conducted by the members of the Design of Homes Working Group. Furthermore, a Scrutiny Officer should be present at such meetings in order to ensure that an impartial record of proceedings would be made.</p> <p>The Panel also noted a verbal report from the Chairman that interest in design issues had been expressed by Senator T.J. Le Main, Minister for Housing, who foresaw a need for a significant future building programme in order to cater for a predicted increase in the number of senior citizens living in Jersey. Connétable Le Brun, having noted that the reported meeting with the Minister for Housing had not been minuted, encouraged Panel members to conduct future meetings on a formal, minuted basis and to refrain from gathering hearsay evidence.</p> <p>The Panel offered consideration to Architecture Week and how much it wanted to be involved. After considering several options,</p>	<p>SP</p> <p>MR</p> <p>SP</p> <p>MR</p>

the Panel agreed that it would not be involved. It was further agreed that Mr D Mason could use the photographs taken on the London fact finding trip with the permission of the Panel and with suitable credits but that he would do so at his own expense. A letter was to be sent to Mr Mason to explain this criteria.

7.
(Item 11
24/08/06)

Work Programme – Waste Recycling

The Panel received a confidential (Exemption 3.2 (b)) memo from the Greffier of the States entitled, 'Environment Scrutiny Panel – Zero Waste Trial with Parish of St. Helier'. It subsequently reviewed its decision, as taken on 21st April 2006, to authorize expenditure up to a maximum of £5,000 in support of the St. Helier Zero Waste Trial.

The Panel received an oral briefing from Deputy Duhamel regarding the current status of the trial. He reported that there had been difficulties during the first six weeks of the project but that these were merely teething matters. The trial was now on track to produce the data required. The Chairman reminded the Panel that the proposed £5,000 contribution would be made purely on the basis of payment for statistical information generated by the trial, and that monies would not be released unless the data generated was of a standard acceptable to Deputy Duhamel. It was clarified that the £5,000 was not considered to constitute a grant to the Parish. It was further clarified that documentation had been forwarded by Professor C. Coggins to the Parish of St. Helier in order to assist the Parish in setting up the trial, although the Parish had subsequently elected to adopt a different methodology to that which had been recommended. Nevertheless, specific data, including a full log of the operating hours of and quantity of material processed by the Krystaline glass processing machine, was being compiled.

Concerns were expressed regarding the minutes of Zero Waste Trial Political Steering Group meetings. It was noted that the minutes tended to suggest that Deputy Duhamel was involved in overseeing, and even exercising an element of direct control over the trial. Deputy Duhamel noted the concerns expressed and he reassured the Panel that the trial was being managed by the Parish of St. Helier. He further confirmed that the Panel did not have authority from the Parish of St. Helier to publish Political Steering Group minutes. With regard to the ongoing cost of the trial, Deputy Duhamel reported that a small element of overtime had been incurred but that the trial was operating within budget. He invited Panel members to consider raising any future concerns regarding the operation of the trial in a timely manner.

The Panel, having acknowledged that it was not in possession of a service level agreement with the Parish of St. Helier, reaffirmed its decision of 24th August 2006 that Deputy Duhamel should write to the Parish confirming the exact nature of the statistics expected and also that the Panel would only forward payment if those statistics were forthcoming within an appropriate period of time. It further agreed that the letter should specify that the Panel did not wish to exercise any degree of positive control over the St. Helier Zero Waste Trial for fear of compromising its impartial status. Safeguards were also required to ensure the integrity of the data. The Panel considered that Professor Coggins should be entitled to oversee the data collation and analysis stages of the

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trial. All Panel members were to receive a copy of the draft letter for endorsement.

MR

The Panel reflected on the contents of the memorandum from the Greffier of the States. It agreed that payment for relevant statistical data generated by the St. Helier Zero Waste Trial fell within the terms of reference of Scrutiny. It nevertheless reserved its opinion on the matter of whether the £5,000 as previously approved represented value for money and whether the trial in its current form was the best possible way of getting the required evidence, until the terms of the arrangement with the Parish of St. Helier had been confirmed in writing and the specified data produced. The Panel confirmed that it intended to publish and utilise the evidence received from the Parish in its entirety, irrespective of the outcome of the trial. The officer was tasked with replying to the Greffier of the States.

MR

Regarding the forthcoming Composting Exhibition, the Panel noted a progress report dated 1st September 2006 from the Scrutiny Office. The Panel noted that the exhibition would take place on Friday 15th September from 3 pm until 7 pm and Saturday 16th September from 10am until 3pm. The hall was to be open by the officer and available for setting up from 6.30 am on Friday morning until end of show and from 9am on Saturday until clearing up was completed. Ten companies had expressed interest in attending and letters of engagement had been sent. 15 local companies had been invited to display at the show.

MR

Looking at the legalities of holding the show, as this was an undertaking on behalf of the States, no licence was required for the show itself. United Kingdom companies were not permitted to sell in the island without a licence under the Hawkers and Non-Resident Traders (Jersey) Law, 1965. It was been noted in correspondence with Alexander Forbes Insurance Company that the Panel was covered for Public Liability Insurance to hold the show.

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The Panel considered the hire of screens for the stalls and noted that there was less than one hundred pounds difference between the company being responsible for transportation and erection of the screens and the Panel Members doing it themselves in a hired van. The Panel decided to use the services of the company concerned.

MR

Waste and Recourses Action Program (WRAP) had stated that they were sending a speaker at no cost and contact was being kept with them to establish who that was to be. Dr John Mullet of CR Services had been away on holiday. An e-mail to establish if he was back had been sent.

The group had required the officer to put together an advertisement for approval along with a press release. Its release would be co-ordinated with contact with 103FM and BBC radio stations. Hamish Marett-Crosby was also to be contacted by the officer to make an appointment with Deputy Duhamel.

The private room had been booked for the Friday afternoon only.

	<p>Invitations had been agreed to be sent to Politicians, to Senior Officers of connected States Departments, to Parish Secretaries, and to waste contractors. Agriculturalists and the Hospitality Association were also due to be sent invitations. All invitations were to be RSVP and buffet arrangements were to be dealt with when numbers were known.</p> <p>A chart outlining the time line for the review was presented which showed that the review completion was expected by the end of 2006.</p>	
8.	<p>Waste Fact Finding Trip</p> <p>The Panel noted a paper relating to the Recycling and Waste Management Exhibition that was being held in Birmingham between the 12th and 14th September 2006. The Waste Review Working Group considered that a visit to the show would create valuable connections relating to the terms of reference of the Waste Review. The Panel agreed that such a visit added value to the review in creating contacts and gathering information and agreed £750 for the trip. It agreed that both Deputy Duhamel and Connétable Le Brun should attend, as there was no officer support available.</p>	MR / IC / RD / K Le B
9.	<p>Financial Report</p> <p>The Panel noted the financial report for the period 1st January to 30th June 2006, together with an updated financial forecast for the remainder of the current year. In particular it noted that Panel expenditure to 30th June 2006 equalled £1468.51. An end of year balance of approximately £30,000 was anticipated, although the predicted balance was based on anticipated expenditure and on the assumption that the Panel refrained from commissioning any further reviews during the course of 2006.</p>	
10.	<p>Any Other Business</p> <p>The Panel noted an e-mail from Deputy Baudains entitled 'Panel – Management of Issues'. Consideration of the e-mail was deferred to the next scheduled meeting due to the absence of Deputy Baudains.</p>	
11.	<p>Date of next meeting</p> <p>The next meeting would be held at 9.30 am on Thursday 21st September 2006 in Le Capelain Room, States Building.</p>	

Signed

Date

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Chairman, Environment Panel

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