

STATES OF JERSEY

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ENVIRONMENT SCRUTINY PANEL: VOTE OF NO CONFIDENCE

**Lodged au Greffe on 19th June 2007
by Deputy G.C.L. Baudains of St. Clement**

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –
that they have no confidence in the Environment Scrutiny Panel.

DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT

Note. In accordance with Standing Order 22(a) this proposition has been signed by the following members.

1. Senator L. Norman
2. Deputy R.G. Le Hérissier of St. Saviour
3. Deputy G.P. Southern of St. Helier

The reasons for bringing this proposition are set out in the report below.

REPORT

It is with sadness that I bring this Proposition. But for the fact Deputy Duhamel has been a colleague with whom I share many political views I would have brought it sooner. However one's responsibilities to the Island must outweigh personal issues and I therefore set out why this Panel is, in my view, failing to do its job in a timely and efficient manner.

When one considers that the Shadow Scrutiny Panel under the chairmanship of Senator E.P. Vibert managed several major reviews in its first year (Trust Ports, Agri-Environment Scheme, Water Resources Law and Waste Management) one has to ask why the present Environment Panel appears to have done so little.

Eighteen months ago, it embarked on three Reviews - Planning Process, Waste update and Design of Homes. To date, it has produced only one Report (the Planning Process) - for which I was the lead member.

The Design of Homes review (Appendix 1 shows the Terms of Reference) has drifted and in my view has become a never-ending process without focus or goal.

The Waste review has become the biggest disappointment of all. It was simply to be an update of the original massive work carried out by the Shadow Panel. However, although a consultant was employed, the usual detailed process of taking witness evidence was not pursued and what has been going on for the last 18 months is a mystery. For over a year Panel members have asked the Chairman (who was leading this review) when he would have a draft Report ready. We were told 'by July' (2006). After further panel persuasion, December 2006 was agreed as the final date. Six months later, still nothing. Eighteen months, on what should be a minor exercise, and still no report.

As Vice-Chairman before I resigned through frustration, I tried hard to find out what was happening with that review, without success. I even tried researching through the officers, but got nowhere. I gained the impression very little was known by officers and, what was, they appeared under instruction not to tell me. Frankly, I found the whole matter embarrassing, especially when members of the public, rightly expecting me to be up to date with the research, had to be told to speak to the Chairman if they wanted to know anything.

The above scenario was but one of many that troubled Panel members. We met together informally (without our Chairman) on several occasions to find ways forward. We considered resigning en bloc on more than one occasion, but decided against such action in view of the adverse effect it would have on the reviews we were doing. We had several 'clear the air' discussions at official meetings, but nothing changed. Eventually 3 members resigned, such was the dissatisfaction with the Panel's modus operandi. In order not to provoke the collapse of the Panel and because we thought reform might follow, members who resigned left without fuss. In retrospect, we were probably wrong as it seems the situation has worsened.

Panel members found the lack of decision making frustrating. We would talk

for hours at meetings, but trying to get a decision - or get it recorded - was a permanent struggle. Frequently we found the chairman had made arrangements without our knowledge. On one occasion, we were told a local architect would be coming in at 10 a.m. None of us had any idea why, until it transpired the chairman had arranged for him to organise trips abroad as part of the Design of Homes review. Later, we found financing of these visits to be ad hoc. The Panel found itself agreeing expenditure as it went along, with no pre-arranged business plan. Eventually, the Greffier, in his position of Accounting Officer, was obliged to point out correct procedures and advise that we could not continue in this fashion. It was very embarrassing for Panel members, who more than once considered refusing to sanction funding - but realised to do so would jeopardise the review and thereby waste money already expended.

Then there was the inaction. For instance, I had been mindful for a long time that the Waste Management research carried out by the Shadow Panel contained an enormous amount of information, but was daunting to read. So much so, in fact, that when I suggested in January 2006 that Panel members should get a copy and read it, they all declined.

In early 2007, I advised the Panel that whilst we, under the Shadow process, had the benefit of presentations by several firms in the waste management business and, as a result, were well aware of alternative waste treatment technologies, others were not. The Island seemed to be heading towards purchasing a totally unsuitable replacement for the Bellozanne incinerator, whilst we were effectively sitting on important information. I therefore persuaded the Panel to agree to hold a presentation for States members and the public, where some of the firms who had made presentations to us previously would be asked to do the same for a wider audience. We agreed on 25th January that it should be held in March 2007 - with plenty of notice given to States members beforehand. We are still waiting. It is outrageous that such an expensive capital project will probably go through simply because scrutiny cannot get its act together.

The Water Resources Law was debated recently. The Shadow Panel had carried out a comprehensive Review in 2005 during which it found no evidence supporting the need for a water law; all the reasons put forward being spurious. What did the Environment Panel do during the debate? Apart from a few words from the Chairman, nothing. According to Minutes, the Panel was due to discuss the issue on 22nd March 2007 - but failed to do so. Presumably, because the Panel became inquorate at 10 a.m., it was not possible to complete its business. Other meetings have likewise been affected by lack of a quorum, such is the Panel's commitment.

In Appendix 2 can be seen the extensive list of responsibilities of the Minister for Planning and Environment and the Minister for Transport and Technical Services. It follows that all these subjects fall within the remit of the Environment Scrutiny Panel, but, sadly, very little is being done.

Despite environmental issues rising fast up the political agenda, the Environment Panel has failed to capitalise on the intense public interest. It pioneered some innovative approaches like taking stands at public exhibitions but there has been no systematic follow through. 'Dysfunctional' is the adjective one member used about the Panel, and I have to agree. The

impression is of a panel preoccupied with detail and unable to manage the bigger picture. Some of the most vital policy areas are not being properly scrutinised, and the Panel appears to be running off in a variety of directions with no clear, focussed way forward.

During the recent No Confidence debate involving the Chairman, the Minister for Planning and Environment stated that he got on well with the Chairman and that they had fruitful discussions. That may be so. However, Scrutiny is not ultimately about having fruitful chats with people; it is about having a positive impact on policy and demonstrating this through well prepared reports. **Scrutiny exists to hold the Executive to account, but** at present there is no clear focus to the Panel's work, major reports meander all over the place, initially worthwhile activities like overseas visits or exhibitions become an end in themselves, and the opportunity to influence crucial areas of policy is being lost.

There are no financial or manpower implications arising from this proposition.

TERMS OF REFERENCE:

Design of Homes

Terms of Reference:

1. To review policies and advisory notes concerning the design and specification of residential accommodation and to consider any social, economic and environmental implications arising.
2. To review the rules, procedures and specifications contained within the Building Bye-Laws (Jersey) 2004.

Waste Management Strategy

The Panel is currently in the process of drafting its report. The Panel will present its findings and recommendations to the States in due course.

Terms Of Reference:

1. To quantify the composition of waste within the residential and commercial collections.
2. To investigate the practicality and cost implications of re-using or recycling in excess of 32% from the waste stream.
3. To investigate European and International markets for recycled goods and recyclable materials.
4. To examine existing technology for the treatment of food waste with the green waste in a composting facility.
5. To examine systems/policies to encourage the public to play a more active role in recycling.

AREAS WITHIN THE ENVIRONMENT SCRUTINY PANEL'S REMIT:

Planning and Environment

- environmental policy and regulation (including agricultural inspection), except those functions presently undertaken by the Environmental Health Department;
- waste management regulation;
- environmental aspects of energy policy;
- environmental services and habitat management;
- land use policy and regulation;
- planning and development control;
- building control;
- historic buildings;
- water resources regulation;
- meteorological services;
- veterinary services;

Transport and Technical Services

- waste management policy (except regulation);
- waste management operations (including sewage disposal, drainage etc.);
- water resources operations;
- on-Island transport policy;
- civil engineering design services;
- municipal operations, e.g. parks, gardens, open spaces;
- street cleaning;
- beach cleaning;
- maintenance of sea defences;
- footpath and land management;
- management of public transport contracts;
- main roads maintenance and management;
- public car parking.