

STATES OF JERSEY



***EX GRATIA* PAYMENT: MR. D. TURNER**

Lodged au Greffe on 4th October 2011
by Deputy M.R. Higgins of St. Helier

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

to request the Minister for Planning and Environment to make an *ex gratia* payment of £7,757 to Mr. David Turner as compensation for costs incurred by Mr. Turner in gathering evidence to deal with an alleged breach of the Planning and Building (Jersey) Law 2002.

DEPUTY M.R. HIGGINS OF ST. HELIER

REPORT

Abraham Lincoln in his Gettysburg address used a statement which has become synonymous with what good democratic government is supposed to be all about. He talked about “government of the people, by the people, for the people”.

This proposition deals with a failure of the government of this Island, and in particular, the Planning Department to work for the people by carrying out their duties under the Planning Law in an efficient and diligent manner, which has resulted in an individual citizen incurring £7,700.00 of expenses and over 12 months of their time and effort (and others) to gather the evidence to deal with a breach of the Planning Law.

This proposition is not a criticism of the existing Minister for Planning and Environment Deputy R.C. Duhamel of St. Saviour or his immediate predecessor Deputy C.H. Egré of St. Peter, who served as the Assistant Minister for Planning in the department under Senator F.E. Cohen. It is, however, a criticism of the department and in particular the Enforcement Division and those who supervise its operations.

The case itself relates to the Bay Leaf Restaurant which is located in Paris Lane, First Tower, St. Helier, and in particular to its home delivery/takeaway activities which have blighted the residential neighbourhood in which it operates and the lives of a substantial number of residents, a number of whom are elderly and have serious medical conditions.

The full facts of this case will be set out in a separate addendum to this report.

Financial and manpower implications

The cost of the proposed *ex gratia* payment is £7,757 which will need to be paid from the existing budget of the Planning and Environment Department. There are no manpower implications.