

STATES OF JERSEY



ANNUAL BUSINESS PLAN 2007 (P.92/2006): TENTH AMENDMENT

**Lodged au Greffe on 29th August 2006
by Deputy S. Power of St. Brelade**

STATES GREFFE

ANNUAL BUSINESS PLAN 2007 (P.92/2006): TENTH AMENDMENT

In paragraph (c), after the words “withdrawn from the consolidated fund in 2007”, insert the words –

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“except that the net revenue expenditure of the Minister for Planning and Environment for 2007 be increased by £250,000 to fund the introduction of third party planning appeals and the net revenue expenditure of the Minister for Home Affairs be decreased by £250,000 by reducing the proposed allocation relating to discrimination legislation”.

DEPUTY S. POWER OF ST. BRELADE

REPORT

It is now 5 years since the original debate on what is now the Planning and Building (Jersey) Law 2002 took place (P.87/2001).

During that debate the Amendments for a full-scale third party right of appeal were endorsed by States Members. Deputy Scott Warren subsequently visited Dublin and studied the Irish system of 3rd Party Appeals with An Bórc Pleanála with the Director of Planning and his colleague.

However, she quickly realised that there would never be sufficient resources to implement the full-scale provision in Jersey. During discussions with the Director of Planning, a radius of 50 metres was deemed to be a more workable solution.

In 2005, Deputy Scott Warren brought a successful Amendment to the States Assembly in order to have a limited third party right of appeal, thereby making it a more affordable provision (P.47/2005).

The powers to remedy dangerous structures were obviously considered important provisions that needed to be included in the Law. For this reason she believed that it is right that the 'Dangerous buildings' provisions should be brought into force and implemented by early 2007.

It would appear that Action 4.7.2 "Implement Planning and Building (Jersey) Law 2002 and associated secondary legislation in 2006" refers to the Law as in force from 1st July 2006.

If States Members agree to amend this Business Plan, and favour the re-allocation of £250,000 from the Discrimination Legislation fund of £500,000 allocated to the Home Affairs Ministry, then this Business Plan will correct the inequity that was carried out in the Strategic Plan earlier this year. This inequity empowered the Environment and Planning Ministry with a new law, but without the requisite funds, and thereby financial clout. This adjustment to the Business Plan will allow the new Planning and Building Law to come into force in the manner it was meant to be, and the Law will be fully operational for the benefit of the people in Jersey, providing a new avenue of natural justice.

The Strategic Plan recently approved in June allocated £500,000 to Discrimination Legislation under the Home Affairs Ministry. The Home Affairs Ministry plan to use about £236,000 of this fund in 2007 (table attached at Appendix). Any amounts not used are to be transferred to the general prison budget. Re-allocating £250,000 from the Home Affairs Ministry to the Planning and Environment Ministry will not have an undue effect on the former, because in the Business Plan for the year 2007, Home Affairs have a Revenue Expenditure allocation £39,643,000 and a Capital Expenditure allocation of £15,768,000.

The availability of this £250,000 to the Planning and Environment Ministry will kick-start the proper introduction of 3rd party appeal legislation. This amendment does not provide sufficient funds for the provision for appeal on Dangerous Structures.

Of paramount importance is that decisions taken by the States Assembly are brought into force and implemented. Amendment 12 to the Strategic Plan 2006 clarified that the implementation of the new Planning Law would not have enormous costs.

Information from the Minister of Planning and Environment regarding the exact costs of implementing these two provisions is as follows –

- 3rd Party Appeals would cost about £132,000. (Strategic Plan estimate)
- Dangerous Structures would cost about £75,000. (This needs to be left out within the provisions of this amendment).

These figures have increased slightly from the figures in the Strategic Plan.

The cost to the Chief Minister's Department (which has budgetary responsibility for judicial departments) is estimated at £118,000. This is in respect of the third party appeals provision for the Royal Court. This is provided for in the above figures. Thus $£132,000 + £118,000 = £250,000$. The exact reallocation of the £250,000 between Planning and Environment and the court services can be agreed by the 2 Ministers before the third party system is introduced but, for convenience, in this amendment I am suggesting that the funds be allocated initially to Planning and Environment.

DISCRIMINATION LEGISLATION - 2007 Forecast Costs

The costing below has been prepared following consultation with the Employment Tribunal Executive Officer and the Research and Project Officer at Chief Minister's Department. The costings assume that there will be a sharing of facilities currently utilised by the Employment Tribunal as well as an extension of the Tribunal Panel to deal with issues of Discrimination. The costings are a 'best estimate' for 2007 based on expenditure to date on the Employment Tribunal which itself has not been in operation for a full year. There will be additional costs as Discrimination Legislation is extended to include Race, Sex, disability and so on.

It has been agreed by the Council of Ministers that any balance of the £500,000 allocated to Discrimination Legislation could be used to fund the shortfall in the Prison budget until savings could be realised.

	£
Staff	
Discrimination Officer	42,000
Secretarial support	13,500
Tribunal Panel	
Chairman/Deputy Chairman	86,031
Other Panel	28,156
Non-Staff	
Rent	20,000
Training	5,000
Translation Fees	5,000
Service Charge	7,600
Furniture/Computers	3,000
Advertising	2,000
Literature	5,000
Utilities	2,000
Other	3,000
Other Travel	2,000
New Stationery	2,000
Building Maintenance/Other Rental	10,000
	236,287