

**Environment Scrutiny Panel**  
**Meeting No. 26**  
 21st 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 I. Clarkson, Scrutiny Officer  
 M. Robbins, Scrutiny Officer

Ref Back	Agenda matter	Action
1.	<p><b>Minutes</b></p> <p>The Panel noted that it had received 2 separate revisions of the minutes of the meeting held on 7th September 2006. One revision referred under Item 1 (Minutes of the meeting held on 24th August 2006) to a decision of the Panel to –</p> <p style="padding-left: 40px;">‘require re-wording of paragraph three in item ten to reflect that the £500 fee paid 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.’</p> <p>The phrase ‘require re-wording of paragraph three in item ten’ had been replaced in the latter revision with the words ‘rescinded paragraph three in item ten and requested it be amended’.</p> <p>Deputy R.C. Duhamel explained that, in his view, the Panel had required a re-wording of paragraph three and had not rescinded that part of the minutes of 24th August 2006. The Panel accepted the view expressed by Deputy Duhamel and instructed officers to re-insert the original wording within Item 1 of the minutes of 7th September 2006.</p> <p>On a related matter Deputy Duhamel questioned the accuracy of the wording used to describe the terms of the decision to pay Mr. D. Mason a £500 fee. It was reported that the wording used was identical to that which appeared in the minutes of the meeting held on 29th June 2006 to describe the arrangement. Moreover, the minutes of 29th June had been approved by the Panel and signed by the Chairman. The Panel noted the position.</p>	IC
2.	<p><b>Matters arising</b></p> <p><b>Item 10, 7th September 2006</b> - The Panel, having noted the absence of Deputy G.C.L. Baudains, expressed concern that it was unable to consider and resolve matters raised in the e-mail circulated by Deputy Baudains entitled ‘Panel – Management of Issues’. Deputy R.G. Le Hérissier reported that he had been asked by Deputy Baudains to advise the Panel that Deputy Baudains was not minded to attend any further Panel meetings. The Panel considered that it would be difficult to reconcile the reported position of Deputy Baudains with his rôle as lead member of the Planning Process review, particularly as the Panel might need to meet on one or more occasion in October 2006 to finalise the Planning Process report. Although the Panel</p>	RD

	<p>reaffirmed its commitment to continuing with the Planning Process review and for Deputy Baudains to continue as lead member, it decided that Deputy Duhamel should write to Deputy Baudains as soon as possible seeking clarification of his position as a member of the Panel.</p>	
<p>3. (Item 5 07/09/06)</p>	<p><b>Planning Process Review</b></p> <p>The Panel considered a progress report dated 15th September 2006 and produced by the Scrutiny Office. It noted that one further hearing would be held on Monday 25th September 2006, at which a final series of questions would be put to Senator F.E. Cohen, Minister for Planning and Environment. Legal advice from the Law Officers' Department concerning development briefs had not yet been received; however, the Panel noted that answers given by the Minister for Planning and Environment at the public hearing held on 20th September 2006 might possibly affect the relevance of the anticipated advice. The Panel noted the position.</p> <p>The Panel was advised that the rate of progress on production of the final Planning Progress report would be affected by demands placed on the lead officer by the Economic Affairs Sub Panel (Telecoms Privatisation). Deputy Duhamel expressed reservations regarding the existence across the Scrutiny function of 6 sub panels, three of which had been formed in recent weeks. He invited the Panel to consider whether it was content with the decision of the Scrutiny Manager to resource the Economic Affairs Sub Panel (Telecoms Privatisation) using one of the two officers initially allocated to the Environment Panel. The Panel noted that the Sub Panel (Telecoms Privatisation) was provisionally due to complete its work in January 2007. No decision was reached.</p>	
<p>4. (Item 6 07/09/06)</p>	<p><b>Design of Homes Review</b></p> <p>Deputy S. Power reported that progress on actions arising from the previous meeting concerning the Design of Homes review had been limited due to the demands placed on the Scrutiny Office by the decision to host a composting exhibition on 15th and 16th September 2006. It was clarified that Deputy Power would in early course produce a report concerning the objectives achieved by the fact finding visit to London. He would subsequently work with the Scrutiny Office on a proposal for consideration by the Panel regarding additional visits to Malmo, Sweden and to Vienna, Austria. Preliminary indications were that logistical arrangements for a single fact finding visit covering both destinations would be difficult. The Panel noted that the reports would be produced and agreed that the Minister for Planning and Environment and the Minister for Housing should be encouraged to accompany the Panel on any such visits.</p> <p>Deputy Power requested further clarification on the matter of Panel working practices. He recalled that on 14th September 2006 he had sent members of the Panel an e-mail requesting permission to arrange a meeting with Senator F.E. Cohen, Minister for Planning and Environment and Senator T.J. Le Main to discuss common subject areas within Planning for Homes documents and the Design of Homes reviews. He further recalled that Panel members remained opposed to the concept of such meetings and he invited the Panel to consider the issue in light of working practices on the other ongoing reviews. The Panel considered that it was of paramount importance to ensure that</p>	<p>SP</p> <p>SP / MR</p> <p>MR</p>

working practices adopted by Scrutiny did not compromise its ability to review the policies of the Executive from a wholly independent, and impartial, perspective. It was not the purpose of Scrutiny to assist individual Ministers to accelerate development of their preferred policy proposals. Neither was it the purpose of Scrutiny to act as a formal opposition to the Executive. Deputy Power accepted the foregoing. He nevertheless contended that the purpose of his proposed meeting was merely to identify subject areas that were key both to a forthcoming Planning for Homes project and to the Panel's own terms of reference, as well as to identify and set aside those subjects where there was potential for needless duplication of work. Deputy Power invited the Panel to clarify on what basis lead members were entitled to hold meetings with members or other persons relevant to their respective reviews. The Panel agreed that any meetings at which it was anticipated that material of evidential value might be obtained should be conducted by the relevant working party or by the full Panel, rather than by individual members.

Deputy Duhamel advised that he held monthly meetings with the Minister for Planning and Environment, at which the Minister briefed him on possible future developments. Matters of relevance to ongoing Panel reviews were not discussed at those meetings. Indeed, he considered that it would be unhelpful for Panel members to engage in individual and private conversations with Ministers on matters of direct relevance to ongoing reviews. At a recent meeting he had provisionally arranged for the Minister for Planning and Environment to meet with the Design of Homes Working Group on 29th September 2006. He suggested that the objectives proposed by Deputy Power could be achieved at that meeting. Deputy R.G. Le Hérisier expressed reservations regarding the ongoing arrangement with the Minister for Planning and Environment. He suggested that a more open approach might be to invite both the Minister for Planning and Environment and the Minister for Transport and Technical Services to brief the Panel on up and coming matters of importance, perhaps on a quarterly basis. A discussion followed on the matter of whether such meetings should be minuted. No agreement was reached. It was subsequently confirmed that the Design of Homes Working Group would seek to meet with the Minister for Planning and Environment on the afternoon of 29th September 2006 in order to pursue the objectives identified. Officers were instructed to finalize the necessary arrangements and, further, to arrange a similar meeting with the Minister for Housing.

Panel / MR

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5.  
(Item 11  
07/09/06)

**Waste Review**

Connétable Le Brun gave an oral presentation to the Panel on the visit to the RMW exhibition in Birmingham, which he visited with Deputy Duhamel on 14<sup>th</sup> September 2006. The Connétable described the international exhibition as the biggest and best annual show in the country for matters connected with waste. It showed a clear and increasing interest in recycling on a worldwide scale and many recent improvements in recycling practices were noted. Many stallholders were spoken to and the visit was considered to have confirmed the objectives set out within the terms of reference of the review. The Panel noted the total cost of the trip was £681.92, which was within the budget set aside and this was accepted. It was agreed that there was enormous benefit of speaking directly to people rather than



	free to the Panel. There would be costs relating to the hire of screens and tables. The Panel examined the time available to the officer to deal with this request and once satisfied, accepted the proposal. It also agreed to £700 being authorised for costs relating to the setting up of the exhibition.	RD / MR
10.	<p><b>Panel Members</b></p> <p>In a discussion raised by the Chairman, Connétable Le Brun reminded the Panel that there was likely to be some movement of Members between Panels when the 5th Scrutiny Panel was created. Deputy R. G. Le Hérisier informed the Panel that he might move at that time. Deputy S. Power informed the Panel that he was content where he was.</p>	
11.	<p><b>Time and Date of Next Meeting</b></p> <p>9.30am, Thursday 12<sup>th</sup> October 2006, Le Capelain Room, States Building.</p> <p>It was noted that this meeting was out of the two week sequence but that future meetings would continue as previously booked with the following meeting being 19<sup>th</sup> September 2006.</p>	

Signed

Date

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Chairman, Environment Panel

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