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Environment, Housing and Infrastructure Scrutiny Panel

Proposed Budget 2027-2030

Witness: The Minister for Planning and Regulation

Wednesday, 4th November 2026

Panel:

Deputy H.L. Jeune of St. John, St. Lawrence and Trinity (Chair)

Deputy T.A. Coles of St. Helier South (Vice-Chair)

Deputy A.F. Curtis of St. Clement

Witnesses:

Senator Sir M.J. Boleat, The Minister for Planning and Regulation

Deputy P.J. Romeril of St. John, St. Lawrence and Trinity, Assistant Minister for Planning and Regulation

Mr. K. Pilley, Head of Place and Spatial Planning

Mr. A. Marx, Head of Development and Land

Mr. A. Scate, Chief Officer, Infrastructure and Environment

Ms. L. Magris, Director of Housing, Environment and Placemaking

[10:00]

Deputy H.L. Jeune of St. John, St. Lawrence and Trinity (Chair):

Welcome to this public hearing of the Environment, Housing and Infrastructure Panel. Today is 4th November 2026, and this is our Budget and C.S.P. (Common Strategic Policy) hearing with the Minister for Planning and Regulation. I would like to draw everyone's attention to the following. This hearing will be filmed and streamed live. The recording and transcript will be published afterwards on the States Assembly website. I would like to remind everyone to please turn off all machines that

make sounds. I would like to start with introductions. I am Deputy Hilary Jeune, and I am the chair of the Environment, Housing and Infrastructure Scrutiny Panel.

Deputy T.A. Coles of St. Helier South (Vice-Chair)
Deputy Tom Coles, vice-chair.

Deputy A.F. Curtis of St. Clement
Deputy Alex Curtis, panel member.

The Minister for Planning and Regulation:
Senator Mark Boleat, Minister for Planning and Regulation.

Assistant Minister for Planning and Regulation:
Deputy Phil Romerill, Assistant Minister for Planning and Regulation.

Director of Housing, Environment and Placemaking:
Louise Magris, Director in the Cabinet Office.

Chief Officer, Infrastructure and Environment:
Andy Scate, Chief Officer for Infrastructure and Environment.

Head of Development and Land:
Andrew Marx, Head of Development and Land.

Head of Place and Spatial Planning
Mr. K. Pilley, Head of Place and Spatial Planning.

Deputy H.L. Jeune:
Thank you very much. Before we begin this, we have added an extra into our introductions where we would like to invite both the panel members and on the other side of the table, if there are any, declaring any interests that are relevant to the matters that we will be discussing today. For myself I have not got any, has anyone else?

Deputy T.A. Coles:
No conflicts.

Deputy A.F. Curtis:
No.

The Minister for Planning and Regulation:
Not from me.

Deputy H.L. Jeune:
Thank you. We have got 2 hours for this hearing and, in the interest of covering as much ground as possible in the time available, I would be grateful if both questions on our side but also answers on your side, Minister, Assistant Minister and officers, could be kept as succinct as possible. So let me begin. You have a budget, Minister. The breakdown of the department's gross expenditure is approximately £10.1 million for 2027. Could you explain the key breakdown of what that £10 million will be going to?

The Minister for Planning and Regulation:
The expenditure is a mixture between the Planning work obviously and the Regulation work. So you have got the detailed figures, I think. Andy, can you give a more precise breakdown?

Chief Officer, Infrastructure and Environment:
Effectively the vast majority of the budget for Regulation is spent on our staffing. We have a very small non-staff budget of just under £1 million, but the majority of it is staffing costs.

Deputy H.L. Jeune:
What efficiencies or savings are you expected to deliver in this Budget? Have there been any discussions on that?

The Minister for Planning and Regulation:
We are always seeking efficiency savings. As you know, we are well below full staff complement. That is not, if you like, deliberate. That is where we are and we have to accept that. That leads to savings. We are constantly seeking to work more efficiently, again using technology. The Government perhaps could do more generally in using technology to deliver savings. The use of artificial intelligence is really valuable within Government of speeding up work that might previously have taken a lot of time. So we have an ongoing process of just making things as efficient as we can.

Deputy H.L. Jeune:
Yes, we will go on to workforce later but, as you were saying, the majority of this budget goes to staff and so you are looking at how to ensure you can support staff in being more efficient and how they work?

The Minister for Planning and Regulation:

Yes, it is providing them with the appropriate tools. We are rolling out Copilot Premium across the piece now. I have even been promised I might get it myself. Separately outside of the government system, I use Claude to do some basic analysis, and it is brilliant. Just the time that it saves from ... and enables you to do the really important thinking work. I am sure officers find the same. You use technology to improve productivity; that should be the main objective. It is not about reducing numbers. There is always more work that we can do - much more work that I want to do and that offices want to do - and with better use of technology we can do more work.

Deputy T.A. Coles:

In your other operating expenses, less than £1 million that is in the budget line, are you going to use that money to try and find the technologies, the new computer programmes or anything like that that you could use to improve your efficiencies across your piece?

Chief Officer, Infrastructure and Environment:

Yes, so certainly the money we have had, I guess, has been split into 2 areas really; the non-staff areas. One is our I.T. (infrastructure technology) expenditure. We have expended a certain amount of money on our Reader programme, which is the regulatory digital assets programme. It is effectively the computer system that Regulation uses. So that has been an expenditure for that budget area. The other area is on consultancy. The biggest area being on P.F.A.S. (per- and polyfluoroalkyl substances) expenditure to date. We have had had the P.F.A.S. expert panel paid for from our non-staff budgets there. They have been the 2 big areas of expense on the non-staff side.

Deputy H.L. Jeune:

Going forward, what would that mainly be focused on, I suppose? Will P.F.A.S. still be considered expenditure?

Chief Officer, Infrastructure and Environment:

P.F.A.S. is still an area to explore. We are probably not going to be expending as much money as we have done previously on P.F.A.S. I think we have had a lot of the answers that we now need. Digital assets is still something we need to continue to invest in and our digital systems. The other area that does get expended from that area is any untoward costs around planning appeals and the like. So that goes against our non-staff budget. They are generally the 3 main pools on that.

Deputy A.F. Curtis:

I was just going to say on the P.F.A.S. side, obviously this year's Budget we see a split between Environment, Planning and Regulation. What function within Planning and Regulations' remit was

covering P.F.A.S. expenditure? So for the ongoing £883,000 of other operating or non-staff expenses, are we still seeing a portion of P.F.A.S.-style expenditure having been carried over? I guess a key question is how is that non-staff expenditure split to inform the Budget 2027?

Chief Officer, Infrastructure and Environment:

The majority of our P.F.A.S. costs, the expert panel experience that we brought in and the consultancy costs, have been charged to Regulation. The Regulation team cover water quality and those areas, so that is why that area has been affected. P.F.A.S. has been completely funded by Regulation, yes.

Deputy H.L. Jeune:

Okay, thank you. Understanding that next year there will be a change in how we ... or potentially, depending if the Assembly agrees to go to a 3-year Budget. At the moment, the budget for 2028 to 2030 is exactly the same as 2027. Is this realistic for the work that is ongoing or the work that you will be wanting to do in the next 4 years, Minister, knowing that the staff is the main bulk of your costs?

The Minister for Planning and Regulation:

I suppose my observation on that, having been in Government now for 4 months, I would like to do 3 times what I am doing, whether it is more so on Regulation than on Planning, because I think on Planning we are getting on top of what we need to do. But I am sure, as the officers would say, there is a lot more work that I would like Kevin to do. He is smiling. But it is about prioritisation and you absolutely have to prioritise within the resources that you have got, and that I do personally. I have got a long list of things I would like to do, some of which I am talking about with Louise. I have got responsibilities on affordability, which I am working with other Ministers on. So I have to prioritise, officers have to prioritise. Collectively we agree with what we are going to prioritise on, and that means that some things that we would like to do are not done or slip. A good example, we prioritised the work on agricultural workers' accommodation - quite properly - but that means we have had to stop doing, in the short-term, lodging houses. We will get back to doing that. It is really important that the work we do on Regulation is risk-based, so we concentrate on the issues we really need to tackle and try to reduce routine stuff, and the same on policy. That is why, in the short term, we prioritise the issues where we think have most effect what the industry is telling us, hence some work on supplementary planning guidance.

Deputy H.L. Jeune:

We will go into that because of this being a C.S.P. and Budget hearing, because your budget is mainly on obviously more policy and on staff, in that sense. We will come on to those.

The Minister for Planning and Regulation:

But also, as we make the point that the planning fees depend on funding applications, we would love to have more and that there are some wider issues there, so we cannot determine the budget in that sense. We cannot determine our income, much as we would like to.

Deputy H.L. Jeune:

I suppose that is a question that we had as well, in the fact that this budget of £10.1 million, £5.8 million is through income, which, of course, you cannot necessarily plan for. There are assumptions made there. How do you do those assumptions and do you think that you will be able to raise £5.8 million in 2027?

The Minister for Planning and Regulation:

We can try and make assumptions, but you can suddenly have a big planning application that brings in a lot of money or suddenly something that you think is going to be big does not. It is not like other bits of Government where you can plan the income a little bit with more consistency. We are not asking for an allocation from the Minister for Treasury and Resources, where you are negotiating it and you have got an agreed budget. We have to take it as we are. Andy, if you can add to that.

Chief Officer, Infrastructure and Environment:

I think that one of the key things we do, certainly from the planning and building side, is we try and track where some of the bigger applications could be coming in. The work we have seen so far this year has been ... we have still got a good number of planning applications coming in, but they are of a smaller nature. They do not generate the bigger fees. Some of the bigger applications that we would normally get have not been arriving this year or even last year. So we are about £2 million short on planning and building income this year. That is probably the biggest risk the Regulation directorate company faces, the funding model that we have. The counterpoint to that is that we are trying to keep staff vacancies and things like that to try and balance off where we can because there are only so many levers that we can use in Regulation to try and control costs. But what we do try and do on the income line is ... certainly Andrew and the team, they are acutely aware of what is in our pre-application bucket, so to speak, and what applications are being spoken about, whether they will translate to a full application with a full fee. We try and prejudge that as much as we can, but it is still an element of the unknown.

Deputy A.F. Curtis:

Can you talk us through that interaction you have with Treasury? Because we have heard often, we were speaking to the Minister for the Environment, Agriculture and Fisheries 2 days ago about where Treasury interface in the budget-making process. It sounds like earned income through operations is something that your department knows far more about than Treasury; so predicting when a large

application comes through. As you mentioned, there is a volatility. Last year, it was forecast that 2026 would earn for the Environment Department £6.56 million. We have heard this year it is £1 million lower. And in reality, you are trading £2 million below where you thought you would be. In a little more detail, how did it work this year in forecasting 2027, and then providing that to the Treasury Department? How does that conversation work in practice?

Chief Officer, Infrastructure and Environment:
I am happy to answer that, Minister.

The Minister for Planning and Regulation:
I am happy for you to answer it as well.

Chief Officer, Infrastructure and Environment:
We meet with Treasury colleagues on a regular basis. At the start of the year generally there is an acceptance that we will try and ... that the income assumptions in our budget are those carried over from previous years, and there is an assumption that the income will stay as it is. When we do get a period of time where we are seeing less income, the first expectation for Treasury is that we try and make the savings within the department; we hold jobs and things like that to try and balance that loss of income off. So we have done that as much as we can. The reality is that when we get into this time of the year, when our year-end position is looking more fraught, so to speak, that is where there is another conversation with Treasury as to whether we will need some coverage from the central reserves in any case around from income losses. In having that conversation, we have always got to demonstrate that we have done our utmost to try and bring the budget in as expected. The problem we have with the planning and building income, there is always an expectation that at some point it will bounce back and we will get it back into natural territory again. We are currently in that position at the moment. We are expecting the construction industry and the economy as a whole to bounce back in this sector, and we would see more income coming in again. Only time will tell whether that is a structural change to our income line or whether it is just a temporal change to our income line. But in the meantime, we just have to have a constant dialogue with Treasury. We have got to show that we can make as many savings as we can humanly possible within the directorate and the departments. Then, if all else fails, there is a wider conversation about whether we get support from the Treasury reserves.

The Minister for Planning and Regulation:
Can I add just one wider point on that? As a Government, we are committed to economic growth for all sorts of reasons. The faster the economy grows or the more it grows, the more people's real incomes increase and the more tax revenue that we have.

[10:15]

Economic growth does not necessarily depend on planning. We can have a lot of growth without any planning at all, of businesses coming in, occupying existing office space, but some of it might require development. We would be keen to facilitate that where we can, that would bring income as well as helping to promote economic growth.

Deputy H.L. Jeune:
Just going back to this model, how many years in the past have you had to go to the Treasury to ask for a top-up?

Chief Officer, Infrastructure and Environment:
It does vary. Previous years we have had surplus income and so that is given into Treasury. If we have surplus income, that is not kept by the departments. That is additional back to the Treasury. We like to think there is a bit of give-and-take in all of this. I think moving into a 3-year budget period it would be very good for us to have some year-end flexibility, so if we do have surplus income we can put it in the biscuit tin, so to speak, and then when we need it the following year, if we have a shortage of income, we can dip into it again. But the reality is the biscuit tin in Government terms is the central reserve. So when we do have surplus income it goes back into the reserves, and when we need it, it potentially comes back out again.

Deputy H.L. Jeune:
I suppose that then links back to the fact that most of your budget goes to staff costs, and then if you are being asked to do cuts, that is cutting to staff, which obviously within the year you have your priorities and what you need to do. Also obligations from a regulation perspective, from a planning perspective, you need people to be able to push those planning applications through or to be able to inspect as the law adheres to. So how do you discuss that with the Treasury to see or balance, I suppose, that need for the staff to be able to do the jobs that have been asked of and asking to cut, which has to be the staff?

Chief Officer, Infrastructure and Environment:
It is an incredibly difficult position. Our default position will be that we will freeze any roles that are currently vacant. So we have not gone into a position of making any compulsory redundancies or voluntary redundancies. The staff jobs that we are currently holding, we are adding about £1 million back into the financial position because we are holding a certain number of vacancies within the directorate. We are currently at about 20 per cent vacancy factor in the directorate, and the budgets for those jobs are being used to balance off the income deficit that we are currently seeing. It does have an impact on day-to-day services undoubtedly because there are some areas of work we would

like to do, but we just do not have enough people to do it. I guess it just is what it is in that sense, that we have to either reduce our service levels or we have to defer some other bits of regulatory work until we can manage.

Deputy H.L. Jeune:

Minister, discussing all of this, do you feel that this is the right model going forward where over 50 per cent of your expenditure has to come from income that is volatile, and then that affects, obviously, the efficiencies and the work that is in your department? Do you feel that this is the right model?

The Minister for Planning and Regulation:

I have not given a great deal of thought to that. I would love to, but I think for the most part I have to work within the model that exists. Having done work outside of the Island on regulation there is a very lively debate about who should pay for the cost of regulation. There is a view it should be the regulated bodies, but they are providing a public service and there is a perfectly good argument for saying it should be paid for by taxation, because you can get a position where regulation effectively removes the bad actors from the market. You halve the number of businesses in the market and therefore you double the fees on the good guys who are left, and that is a very difficult issue. But inevitably finance Ministers would much prefer anything other than providing funding out of taxation, so it is a very interesting point. I think we can manage within the existing system; we have to, that is what it is and it is not going to be changed just for our benefit, much as we would like to. But I think the point you have made is a really good one, and it is one of the things I will add to my very long list of issues I would like to get to grips with, with other Ministers, when time permits.

Deputy H.L. Jeune:

I think it is something that is definitely, when going into a 3-year budget cycle, absolutely something to look at.

The Minister for Planning and Regulation:

I agree entirely.

Deputy H.L. Jeune:

It feels like that is the right moment to look at the sustainability of a department that over 50 per cent of their income is income.

The Minister for Planning and Regulation:

I agree entirely and even the expression “trading income”, it is wrong. It is like we are not a shop with an income target. A little aside, if I may, when I was on the Gibraltar Financial Services

Commission, I think our auditor criticised us for turning down applications for banking licences because we would lose fees. We had to point out that is not the purpose of running the system; the purpose is to regulate. So it is a really good point and I think I will take it on board, but it is not just us, there are other bits of government it would apply to.

Chief Officer, Infrastructure and Environment:

Yes, I think that the bigger debate over the last 15 to 20 years there has been a user pays narrative within government finances, and those who are benefiting from the services provided have to pay for the services. If we are going to go into a different form of funding arrangements anything is possible, but, yes, we would need to look at what we do charge for and what we do not charge for. I think the time to do that would be if we are seeing a structural change in our income lines and we think that they are going to be permanently reduced for a period of time going forward, then I think that is the conversation we need to have.

The Minister for Planning and Regulation:

I think I would add a point. On the planning fees, that is the user pays. We are going to argue with that. It is appropriate, it should be, but even then I suspect there is an element of cross-subsidisation in the system, which arguably is unfair. With regulation it is very different. We are providing a public good on regulation, and there is a legitimate debate about who should be paying for it.

Deputy H.L. Jeune:

Thank you, Minister. That was really interesting. I think maybe, just going back to the annex, obviously we find it very difficult to scrutinise a very top-level number. It just says staff costs. and that is it. Is there a possibility to provide the panel publicly with a breakdown of the support in each of the areas that Regulation and Planning Department covers? I guess there is the development control area, the planning policy, building control, there are a number of elements, and I am wondering if I suppose when we are talking about a £2 million shortfall and needing to understand staff and putting a freeze on the staff vacancies, do you find that there is a prioritisation done within those different areas of the department where some are made sure to have a full staff capacity where others are not? Is there movement within and does that happen and should that happen?

Chief Officer, Infrastructure and Environment:

At the moment we have got the Regulation directorate and the portfolio for Planning and Regulation is wider than just the Regulation directorate. We have budgets in 2 areas at the moment; the one in the planning policy area is in the Cabinet Office and then the Regulation team, the Regulation directorate. is in I. and E. (Infrastructure and Environment) Department. The reality of where we find ourselves this year, we have had to take money from wherever we can find it to try and balance the year-round position. Unfortunately there has not been too much prioritisation going on because we

have had to take vacant jobs where they have been arising. We are happy to provide a more detailed breakdown for regulation within I. and E. as to how that money is spent. It generally covers development and land, which is planning, planning development control, and building control, effectively. We also cover environment and consumer protection, so that is our trading standards function, our environmental health function, our housing standards function, water quality, water pollution teams, those sort of things. If it helps the panel, we can provide a bit of a breakdown because the way we report our finances currently, that is rolled out within the Environment head of expenditure, which also covers Natural Environment. It is quite hard to disaggregate the 2, but we can provide that.

Deputy H.L. Jeune:

Thank you. I am jumping all over with my questions. I suppose the next question on that is, when it will be moved to the Cabinet Office, I suppose the budget still remains ... the policy area, that still sits in another budget. But who will be the accountable officer for that? Does the Cabinet Office have an overview of an accountable officer for the whole of the Cabinet Office, does that suddenly change in that sense?

Chief Officer, Infrastructure and Environment:

At the moment, I am the accountable officer for Regulation within I. and E. That will change come 1st January when the moves will take place financially, and then the accountable officer for the Cabinet Office, effectively the chief officer for the Cabinet Office, will take the accountable officer duties from me for the Regulation team that will be transferring over.

Deputy H.L. Jeune:

Okay, thank you very much. I think we have covered all of these areas. I think my last question for now is, when we are talking about going back to the fees, I suppose, area - and the last area I wanted to talk about - is that in a States sitting, Minister, you said you would warmly welcome that reduction in fee income, which we have just talked about, of course, the sustainability of the department going forward. How does that balance, again coming back to that sustainability, when we are wanting to have that fee income reduction? I feel some of the elements that we will talk about later about your direction of taking the Regulation and Planning Department means there will be this reduction. So how does that balance?

The Minister for Planning and Regulation:

I think if I can remember what I said, and putting it more in context. Clearly, if as a result of some of the work that we are doing reduces planning applications, and that is clearly our objective; so we are doing that on permitted developments, for example, and also by what we are doing with the validation requirements. We are reviewing some supplementary planning guidance. If the process

can be made simpler and if it reduces fees, that is to be welcome, and it reduces the workload on officers. Do I welcome a reduction in fee income? From our point of view, absolutely not. Do I welcome it because it is less of a burden on people and on businesses? Absolutely. But no, my objective is not to reduce fee income. Indeed, I would love to increase fee income because we have got more planning applications, but I would like to reduce the burden on businesses and on people when they are applying for planning application. I do not see an inconsistency there.

Assistant Minister for Planning and Regulation:

There is another interesting bit. The department does provide a lot of free and on-fee services as part of the planning process. So some of these obviously are picked up within some of the budgetary numbers here and do not earn a fee as it is. As we move forward, I think there is going to be a look at ... we maybe need to have a look at how these are delivered and what impact these things have as well.

The Minister for Planning and Regulation:

I agree. Andrew, the pre-application process, I think, has been one of the success stories over the last few years, but you do not charge.

Head of Development and Land:

Yes, that is a completely free service. We have had a good take-up over the last couple of years, and in fact, I think this year so far, we have issued over 350 pre-application advice letters. They are resource intensive, but they have, I think, bumped up our approval rating by almost 10 per cent over the last couple of years. So we grant planning permission much more often now, and that is because we have really good engagement with industry, and we say to people: “Come to us with any question you have”, and we feed that into the pre-app. I think previously there was maybe a lack of engagement on that because people did not trust that we would stick with our advice or that it would not result in a good outcome. But yes, that is a free service that we provide and it has got a real positive impact on development in the Island.

Deputy A.F. Curtis:

Can I check about fee income and looking at your 2027 budget? We have not touched on - and declaring my connection to the food industry - the Food Licensing Law, which is currently not enacted, but I think by all accounts is expected to have a licensing regime within 2027. I am looking to see if that is still the plan; there may well be. Is it your plan to have a food licensing scheme enacted under the law in 2027? If so, to what extent have you modelled the financial income into this budget and under what assumptions did you do so?

Assistant Minister for Planning and Regulation:

This is an area that I am picking up.

The Minister for Planning and Regulation:
Having been delegated it this morning.

Assistant Minister for Planning and Regulation:
But I am being briefed on it later today. So, as someone new to the actual law and the process that is going on, I will have to defer a response to that.

The Minister for Planning and Regulation:
We have actually agreed a fee schedule. It came when I was responsible for it. Again, we have been very conscious to do it as best we can to reduce the burden on business but provide the income we need.

Deputy A.F. Curtis:
Out of interest, to what extent ... you will know, Minister, because the law is not active at the moment because the Scrutiny Panel, the former one, was keen to see consultation and engagement with businesses about implementation.

[10:30]

It sounds like you have signed a fee schedule now, that will be currently subject to your Assistant Minister probably agreeing with you what will come in place. To what extent did you consult on that and then, if it has been agreed, did it form part of the ... maybe to officers, did it form part of the budgetary process to model income in 2027 or not?

Chief Officer, Infrastructure and Environment:
We have not modelled specifically food licensing income, but it would go against the regulation income's expectation for the whole income for the directorate effectively. I guess ultimately it depends on how much take-up we get of the food income. There will be some additional income for sure from food licensing. That may well get lost in the balancing of planning and building income, but it will be wrapped up in the whole department target.

Deputy H.L. Jeune:
Just touching on your new delegation of powers, Minister, to your Assistant Minister, we just saw that, so we were just wondering how would that ... just to explain a little bit how you will see that working and how you would see working with the Assistant Minister on that delegation of powers so that we understand from a Scrutiny perspective.

Assistant Minister for Planning and Regulation:

It is part of a wider delegation, so I am going to be picking up areas of Consumer Protection Law. The view on that, that I am taking here, is that we have some work with one of my other roles around competitions and whether there is an effective market working. So combining and aligning some work along consumer protection to ensure that the public are getting value for money, and if there is any impact happening on the cost of living by not joining these 2 workstreams up but having some alignment across them as they operate through different departments is an area I am interested in taking forward. Consumer protection from my days in retail and other areas has always been something that I have had an interest in. The delegation is very fresh, so we are going to be working out how we do this together over the next week or so.

The Minister for Planning and Regulation:

I think to add to that, the Ministers work together anyway regardless of any form or delegation. Phil is at every meeting he can get to, he is an Assistant Minister all over the place, but always is at my Ministerial meetings when he can be and contributes. Indeed last night we were both at a meeting with the Competition Authority and another Minister. So as Ministers we try to work as one team regardless of what our specific responsibilities are, and it does not mean I am completely absolving myself from everything in that area, because we discuss everything together anyway.

Assistant Minister for Planning and Regulation:

On top of my point about how the J.C.R.A. (Jersey Competition Regulatory Authority) and the community protection can work together for the benefit of the public good, there is also an element that this is a big department, there is a lot of movement as we are picking up in this hearing, and it makes sense for some of the responsibilities to refer to someone else just so that there is a point of focus, and so that we can actually have someone who is particularly looking at the area, looking at what needs to be done. There are some laws which are about 80 years old in the mix here, so maybe some ...

Deputy H.L. Jeune:

Are you still seeing that the Food Law will be enacted on 1st March, I believe it would be?

Assistant Minister for Planning and Regulation:

Yes, there is no change in the process. I think your letter that we have got is highlighting a few things from the previous Scrutiny Panel, so we will be responding to that shortly. We are not planning any change in time. We just need to make sure the protections that that law is introducing do not, as you rightly identified, create unintended consequences on community good organisations who are basically raising money for charities, et cetera. You know what we are talking about here.

The Minister for Planning and Regulation:

I think if I can add to that, I did a long reply to one of the campaigners on this. I can understand somebody saying: "Well, why have you not implemented it immediately?" I think it was very wise what the panel did to say: "Well, we need to make sure we are getting this right." We are criminalising activities and we need to be very cautious about doing that. What we do not want to catch is the bacon roll I get at St. Clement's Parish Hall when I go to an event. It is getting all of that right. I think by having that extra consultation, it has helped. All the feedback I had from officers on this is that businesses, for the most part, are implementing it anyway. Businesses have been very co-operative. Nobody is pushing back from it. The officers at the moment are giving advice. I think they are visiting an awful lot of places. That extra time will ensure that there are no unintended consequences. The last thing we want is "Minister bans Women's Institute", whatever, or what happens at St. Clement's Parish Hall, as Alex will know, this Saturday, Sunday, there are things, and that is fine. I think people who have got allergies, it is tough for them but they understand some of it is their responsibility and they are very careful. They have to be. Therefore, you are cautious about those areas, but somebody going into a supermarket is absolutely entitled to ...

Deputy H.L. Jeune:

Feeling safe.

The Minister for Planning and Regulation:

That is a safe place for them. So we are trying to get that right.

Deputy H.L. Jeune:

Thank you for that. I know it just went off the side a little bit from our Budget and C.S.P. hearing, and so we will just pass over to the vice-chair with more questions.

Deputy T.A. Coles:

I am going to go on to the area of workforce capacity and delivery risks. I just want to pick up on something that has been said already about you are operating at 20 per cent reduced capacity, and this has knock-on effects to certain workstreams. Have you had any key parts of your plans for potentially coming into office been forced to stop, pause, and what is still carrying on?

The Minister for Planning and Regulation:

Most of my work inevitably as a Minister is actually on the policy side, as opposed to the ... so Kevin is the person who, I am afraid, gets most emails from me, and we discuss work, and it is very much prioritisation. Therefore we have to decide what we can do most quickly. I think the operational bits are more for officers, but we do regularly discuss what all the issues are. If officers are saying ...

and they have not come to me saying: “We have really got a problem here. We are not doing something we absolutely need to do.” We would like to do more inspections of everything that we do. I mentioned earlier, because we have had to do the agricultural workers’ accommodation, which has been a very useful exercise, and I have asked officers to produce a report on what we found and we will do that, I hope, by the end of the year. But when we have completed that programme of work we can get back to lodging houses. But even in the work that we do talking with officers, because of the intelligence they pick up all the time, that is a lot of the risk-based. Some of it is desk-based, but some of it ... officers work, they hear things, they know that we need to look at that one. Getting that risk-based as opposed to doing the same thing for everywhere is key.

Deputy T.A. Coles:

So the 20 per cent reduction of lack of capacity at the moment is based on what area? It sounds like your policy team is full, so you are able to deliver all the policy work that you want to do?

The Minister for Planning and Regulation:

No. That is the thing with policy. Kevin quite rightly tells me that there is work to be done. We are consulting on space standards at the moment, and we have got a comprehensive consultation paper that has got a lot of facts in it. We are then seeking evidence from the industry and anybody else. We then have to analyse it properly so that when we actually make a final decision it is evidence-based, and all of that is work that we have to do. We have got a number of other areas where we will be looking at. I would have loved to do everything more quickly but we have to go through the process. We are changing laws, there is a democratic process to go through, including with the committee in some instances, and with you as Scrutiny, and we respect that and have to do it.

Deputy H.L. Jeune:

You have just talked about policy being your focus, and we can go into that in the future. We saw at the end of the last term that the Minister for the Environment, when he still had the Regulation Department, there were a lot of issues with operational, in the sense that there were a number of complaints going to the Complaints Board on operational issues and interpretation of laws and concerns from residents or businesses. Just wondering how much time you focus on those areas and do you see that there is a need to focus a bit more on supporting those roles as well?

The Minister for Planning and Regulation:

Absolutely. One of the things that has struck me since coming into office is the huge amount of time we spend dealing with a small number of cases and of people. When people write to us, if they write to me personally, I like to reply. But actually, on some cases, I am better not replying and I have to make clear that on some issues I may need to take a decision and we have to go through proper process, and I pass things on to officers. In some cases I want to reply personally, and the officers

draft something. But as they will know, I do not just sign what they give me. I reply. I want to know. It is useful for me as a Minister to get feedback directly and to see the officer's response. It helps me understand what the issues are.

Deputy H.L. Jeune:

But I suppose where I am trying to get to, and it is focused on workforce capacity, is that, as you have said, there are a number of very specific cases that a lot of time and energy from officers go into that. I am wondering if there is an analysis done to see if there are not only processes that could be enhanced to ensure resolution but also potentially there needs to be changes to laws to be able to make sure that there is less of this in the future, and have you done that analysis and will that go ... focusing on understanding, is that a capacity issue?

The Minister for Planning and Regulation:

If I did it all on a spreadsheet, the answer is, no, it is not. I have a regular meeting with officers, probably every 2 weeks, sometimes every week. Indeed we met this morning, not as long as we would like because we had a more important engagement, where we run through cases. Sometimes you have to spend a lot of time for good reasons on a case, because it is an important issue that justifies a lot of time. Other times it is perhaps not important but you have got somebody who writes to us persistently, and we have to deal with that. We can be spending a disproportionate amount of time on a small number of cases and, at times, and I will give you an example of somebody who wrote to me who I know well and who I respect, about a particular issue. There is a real issue, I am not questioning that, and he wanted information like that. The officer said: "Well we can do that, it could take a week, or alternatively we can deal with the issue." Now I actually wrote back to the person concerned more or less saying that, that we can provide all of that but we would rather have the officer deal with the issue. To be fair, the person did not come back to me. We are spending an awful lot of time responding to people with issues. On one particular issue I am probably getting 3 emails a week.

Deputy H.L. Jeune:

What I am trying to understand is for the efficiency savings, so going back to that workforce capacity issue, and if the fact is that is there an analysis done with these issues coming up and you are identifying a few that there are some that need to take time, but some are not? Is there focus so that maybe if there are tweaks to a law or tweaks processes that could happen to help ease that capacity?

The Minister for Planning and Regulation:

Absolutely. I think I distinguished tweaks to a law because we know that will take a lot of time, the Planning and Building Law. The Bridging Island Plan, we have a long shopping list and we will come on to that no doubt later, things we can do there. If there were things that ...

Deputy H.L. Jeune:

I am just talking maybe about the Nuisance Law, for example, where potentially we already know from the former Minister that there could be some changes that could actually mean that it would be more meaningful law that would then help resolve some situations that are quite sticky at the moment. Is that something that you have done an analysis on?

The Minister for Planning and Regulation:

I think I can find a whole lot of laws that you can say that this really is not perfect, but we have to prioritise laws as well. Indeed we have done our session at the Council of Ministers about the prioritisation of laws. There are some things where you can make a fairly minor change to the law. It can be removing one line or adding a line, but even that has to go through the process of the law drafting. The law draftsmen have got to do all of that and it takes time. It is all down to prioritisation. So there are a lot of nice-to-haves. Indeed, one I looked at this morning, and I wish I could remember what it was, that we would need to change the law to do something. Indeed, something the partnership ...

Deputy H.L. Jeune:

I think I am just trying to see whether there is the analysis done with workforce capacity and those efficiencies. Prioritisation could be seen in different things, but maybe we could carry on with a ...

The Minister for Planning and Regulation:

I am just thinking it is implicit rather than explicit.

Chief Officer, Infrastructure and Environment:

It is very hard for us to, I guess, deprioritise most of our regulatory services or statutory services. In meeting the budgets that we are currently meeting, we are taking the opportunities where they arise for vacant posts. That does create tensions within some of our teams, it creates tensions within the teams to me, because I am not signing off recruitment for those jobs. It is either putting pressure on the team or effectively it puts pressure on our service standards, which means that things just have to drift a little longer, and it takes us longer to answer certain queries or complaints.

[10:45]

We cannot ask 80 per cent of our staff to do 100 per cent of the job effectively currently. It is the service standards that often are impacted.

Deputy T.A. Coles:

So the Budget is also here to help fund you, Minister, to deliver what your priorities are. I suppose my question coming down with where we are saying with the 20 per cent reduction is, what have you had to pause from your priorities or what have you had to stop what is being delayed from your priorities over the next year within this budget and with the capacity being down? Is there anything? It could be your priorities have all been given the green light and you are going to deliver, but the idea is trying to understand is, you are operating with 20 per cent below capacity, that has an impact. What is this impact to you in delivering?

The Minister for Planning and Regulation:

I think we are just not doing things as quickly as I would like, but I respect that.

Deputy T.A. Coles:

What things are you not doing as quickly as you would like? What has been slowed down?

The Minister for Planning and Regulation:

For example, we would like now to be in a position to say: "Look, this is what we think needs to happen in the revisions to the Bridging Island Plan", but we have prioritised doing work on permitted developments and on supplementary planning guidance. It is more about sequencing the work and doing the work that has the most impact first, and then moving on to longer term things. When we have completed the current work on supplementary planning guidance and permitted developments, that is the time we can spend a lot more time dealing with the revisions to the Island Plan.

Deputy T.A. Coles:

I will go on to, again, around the workforce capacity, and you have mentioned about the restructuring of the department, so it is going to move over to the Cabinet Office. So that consultation has all been complete and, just to confirm, because it was just sort of mentioned through questions, that all takes place from 1st January?

Chief Officer, Infrastructure and Environment:

Yes, so the consultation effectively ends tomorrow. We have got a meeting with the affected team tomorrow to tell them what the outcome of that consultation has been. Most of the consultation responses we have had are generally about some of the specific details rather than the principle. So my anticipation is that the move will take place effectively for the team to move over from 1st December, and then the budgets will move from the next financial year, 1st January, effectively.

Deputy T.A. Coles:

If the consultation has not concluded, are you able to provide any initial summaries of any efficiencies that have been saved, or whether there are going to be any additional costs generated by this restructure? What are the positives and losses?

Chief Officer, Infrastructure and Environment:

There will not be any direct financial implications related to the restructure because we are effectively lifting the Regulation Directorate from the I. and E. Department and placing it in the Cabinet Office. The staff, the costs, the budgets, the income will all go with it. The challenge will be next year how the Regulation directorate, when it is part of the Cabinet Office, will be able to meet its allocated budget, so we will still face some pressures around our income for sure. Whether or not we keep the vacant posts that are currently still vacant, that is going to be the big issue, or whether we have to create more savings, certainly in our non-staff spend, to try and balance that position off next year, that is yet unanswered. If I took a purely financial Treasury perspective I would be saying, well, we just need to remove the jobs that are currently vacant and that is it, that is a permanent saving. The problem we have in Regulation is that because they are statutory services and we are expecting a bounce back on our income, we do not want to delete permanent posts because if the work comes back in again and certainly planning and building income arrives again, then we want those jobs to be filled. It is always a balance in Regulation between the income that we receive and how much work we can actually do each year. I think if we were fully staffed, we would do a lot more in our Environment and Consumer Protection Services. A lot more complaints would be answered more quickly. We would be out doing far more proactive food visits and things like that. We would be producing the building byelaws review. That would be quicker. So a lot of the things that we are currently doing would just happen more quickly or we would give a better service to the public.

Deputy T.A. Coles:

At this 20 per cent reduced capacity, do you, and you talk about meeting trading standards with the whole statutory provision within Regulation, still consider that you hold or have access to the right level of expertise to deliver all these statutory responsibilities?

Chief Officer, Infrastructure and Environment:

I think we generally do. We are struggling currently. We have got coverage in all of our areas, so we do have qualified staff in all of our areas. We are struggling currently in our Regulatory Improvement and Licensing team, because that is a team that looks after, firstly, the proactive issuing of all of the licences. They do a lot of the admin around the processing of licences. They also look at regulatory improvements, so where we want to improve our regulatory standards or

regulatory systems. So that is an area that we are currently under-resourced on. The other area will be our food areas. We do not have any senior food officers currently. We do have more junior food officers, but they are not qualified. But it puts a lot of pressure across our teams where effectively, we have got 20 per cent reduction on staff currently. So it does affect all services. It is a very difficult balance to strike. We have got a financial target to hit. We have got a budget to balance, but we are currently holding those vacancies. We have 21 vacancies currently in Regulation.

Deputy T.A. Coles:

You talk about the risk assessing vacancies and risk assessing regulations, statutory provision, and things like that, does the restriction on the use of consultants impact around this area as well? Could that be utilised within your budget?

Chief Officer, Infrastructure and Environment:

We do not use a huge amount of consultants in Regulation. We have used some; I mentioned P.F.A.S., they would have been classed as consultancy spend. The vast majority of our services in Regulation are statutory based and we would have them as permanent staff if we ideally like them. We have tried previously to have some contingent labour, as we call it, contractors who can be either pulled in or dropped off, depending on how much income we are getting in. That has worked to a degree. It has worked in Planning previously where we can get Planning contractors in when we get more planning applications, then we can drop them when we do not need them. They are used to working that way, they work on a temporary basis. However, that is reliant on us getting individuals in the first place. So trying to get off-Island resource into the Island to work is also a challenge. We do not hold a huge amount of contingent labour anymore. We do not hold consultancy spend anymore. It is permanent staffing as a main source.

Deputy T.A. Coles:

The C. and A.G. (Comptroller and Auditor General) has emphasised the importance of effective workforce planning, especially with yourselves having statutory responsibilities. Do you feel that you move in the way that the C. and A.G. is emphasising what our reports say with your planning?

Chief Officer, Infrastructure and Environment:

An honest answer on that, we are probably not doing enough on our workforce planning. It would be good to have the consistency of income and we could then resource the department fully in the first place. That would be the starting point. I think the benefit of less consultant spend or less focus on contingent labour has meant that we are looking internally for staff progression more and more, where we can make that. That certainly helps internal progression, it helps promotions and the like within the department. However, when jobs are being held for financial reasons it does stop that

progression as well. I do not think we are doing as much as we could do on Planning, that is an honest answer, due to the financial implications we have currently got.

Deputy T.A. Coles:

Have there been questions among Treasury officials about ... as you said previously, sometimes your income goes up and down, about actually being issued a fixed amount within your budget that will automatically be made-up from central reserves, but then, like you say, when you have received additional fees that you are able to ... and have that consistency in funding, so you know that you are actually able to recruit what you need to be able to work for, plan to be able to deliver your statutory obligations.

Chief Officer, Infrastructure and Environment:

Ideally we would have that, but we do not have that. It goes back to my earlier answer where we do have surplus income that goes back into the Treasury. So in previous financial years we have had surplus of income, and that has been a benefit back to Treasury, and at times where we need to be bailed out effectively then we would hope that that would play both ways. But we do not have a reserve for regulatory income currently, so it is dealt with generally in the Treasury reserves as a whole.

Deputy T.A. Coles:

What is the plot for that then?

Chief Officer, Infrastructure and Environment:

I guess ultimately all of Government income is part of the Government general reserve effectively. It all goes into the same bank account. We have not previously had too many occurrences of a lack of regulatory income. It has only been in recent years - this year, last year - that we have seen a drop in income. That is why at the moment we do feel that is temporal; we do feel that is going to bounce back again. If it does not bounce back within the next year or 2, certainly in this Government Budget Plan the next 3 years, I think we are going to need to have a conversation about a structural change to our income assumptions. But I think it is too early to do that at the moment because we can see the cause of the lack of income. It is the lack of big planning applications, and I cannot foresee a situation where the Island will not produce any big planning applications evermore. I think they will come back again as industry gets more confident and as some of the financial issues we have got around our development industry start to loosen, whether that be development finance or consumer finance. As that normalises and maybe eases, we would expect to see those applications come back on again. The other big pressure we faced in the construction industry is around the cost of construction. The inflation cost in construction is running around 5 per cent per annum. We are currently dealing with 2026 prices but 2021 values effectively. Currently, as a result, that is

stopping development occurring. But can we foresee that for ever? I do not think it will be. We should see things normalise again in construction, and we should get those big applications back again.

The Minister for Planning and Regulation:

Just that I talked to all the large developers; I find it very helpful to get feedback. They analyse the market very closely; they have to, otherwise they would not make any money. We know there are quite a number of sites that have been approved with planning permission that are not being developed, and we understand the reasons why and developers tell us very openly. We have looked at the economics of it, what it would cost to build, what we think we can sell for, does it work for us? Can we see building costs coming down? Difficult. Is there any expectation that house prices in particular are going to increase? We will have Q3 figures tomorrow ... today, tomorrow. But also we have got bank base rate going up today, I believe, most likely, with expectations of future increases. Having a good look at the housing market at the moment, there are 1,000 units on the market for sale, which is exceptionally high, and very few of them are new. So quite a few people wanting to sell who cannot, and it is something we are looking at with the Minister for Housing as well to understand what is happening in the market. Whether we can do anything about it is another matter, but we need to have a good understanding of the market. Talking with both developers and also some of the estate agents, their analysis is really good about what is going on in the market, and I found that personally helpful. The Development Industry Partnership Board is a huge asset to us. I think the feedback that we get from them, the quality of the discussion, has been invaluable.

Deputy T.A. Coles:

We have talked about your 20 per cent reduction, and I think a lot of things are going to hold around that. Obviously we have talked about your large levels of statutory responsibilities, but do you hold like a risk register over what sections of your department, given that the reduction in staffing levels that you have at the moment, that might tip ... your statutory responsibilities to carry out inspections not just on homes but also businesses of the varying types, consumer protections of the trading standards. So do you have oversight of the risk register, whether or not those staffing levels are allowing you to deliver your statutory responsibilities on time and frequencies?

The Minister for Planning and Regulation:

We know the top of the risk register is the financial position, absolutely.

Deputy T.A. Coles:

But in staffing and delivery.

The Minister for Planning and Regulation:

I think I rely on officers to do that, and I would expect them to come to me and other Ministers to say we have got a particular problem here. We know the general problem, we have it all the time. We know that we do not have the resources that ideally we would like. But are we fulfilling our statutory responsibilities? Yes, we are. We are prioritising. We are not doing as much as we would like. If it came to a position that we absolutely do not have people who can do something we need to do and we know there is a problem, I would expect officers to come to me, but generally I would expect them to sort it before coming to me, and I am sure that is what they do.

Chief Officer, Infrastructure and Environment:
We hold risk registers for the department, so that covers both our infrastructure services and environment services, and each directorate will feed into that their key risks.

[11:00]

The key risk for Regulation currently, as we have already explained, is our income position. That is the biggest risk that we are currently facing. Then aligned to that are generally resource risks in terms of if we see events happening and we have not got the resource to respond, so if we get another pandemic outbreak or a food outbreak or something of that nature, it is generally a resource-linked risk that we would then not be able to respond to. It is generally all financial risks that we currently have within Regulation.

Deputy T.A. Coles:
Following the departure of the group director for Regulation who is responsible or going to be from 1st January with the transition, if there is any change in that area, for discharging the statutory responsibilities previously attached to that role and what assurance can you provide that no governance or legal gaps have arisen during the transition?

Chief Officer, Infrastructure and Environment:
The directorate will transfer over to the Cabinet Office, and Louise is happily at the end of the table there, so the responsibilities for Regulation will fall under Louise's manager aegis at that point. We are not expecting any gaps at all effectively but it would be another job for Louise to pick up.

Deputy H.L. Jeune:
To add on to her list of her title.

Deputy T.A. Coles:
Do you feel that you are prepared and have been given enough chance to be ready for this role?

Director of Housing, Environment and Placemaking:

It is a wonderful challenge. The department is full of dedicated professionals who know their jobs really well, and I am looking forward to working with them. There are significant challenges but I am sure together we can work them through, as Andy and Kelly did previously.

Deputy T.A. Coles:

Natural Environment officers told the panel that the environmental investigations may rely upon compliance and enforcement resources that are now sitting within the Planning and Regulation Department. How do you ensure sufficient capacity is available to progress enforcement and prosecution activity where another Minister holds the statutory responsibility for the legislation concerned?

The Minister for Planning and Regulation:

I mean, that is just part of Government. There are all sorts of areas where one Minister is responsible for policy and another Minister is responsible for implementation and enforcement. We are taking over, for example, events licensing and the Regulation directorate where the statutory responsibility lies with the Minister for Economic Development. Naturally every Minister would like other Ministers to do their priorities, and where there are any issues then you discuss them with the Minister. The other thing I found, talking with other Ministers, is people understand we are all under pressure. We would all like to do more. We have all got limited resources and we have to prioritise as best we can.

Deputy T.A. Coles:

One of the conflicts we see in this area is compliance for buildings is quite hard. It is quite detailed and it takes a lot of enforcement effort to ensure that developments have complied with planning permission, building regulations and all those things. That takes a lot of resource. You may have a large pollution event or something that happens under the Environment's watch and remit and they have come to you as the enforcer but say: "Well, you are over-resourced because of this planning." How are you, as the person who is responsible for the compliance side, going to balance the calls when they come through from Environment saying: "We have had a big event here that needs to be looked at in great detail" but you have got building control on the other side?

The Minister for Planning and Regulation:

Frankly, I expect officers to handle that and if it becomes too difficult, or not too difficult but if it finishes up as a political issue or hard choice, that is when you come to Ministers. When you get something that is unexpected and big, as we have had over the weekend, you do not say: "Well, we have not got any resources. We will leave it." You get on and deal with it, and the way that officers have dealt with that over the weekend I think is a superb example of cross-departmental working.

You do not simply argue about who has got the resources. If you have got an issue you very quickly decide how you are going to deal with it. That has not come to me as an issue.

Chief Officer, Infrastructure and Environment:
Yes. What I would say is it tends to be exactly that. When we have got a high priority case we will concentrate on that high priority case. What that does mean is the medium and lower priority cases will just have to sit and wait while we work on the high priority case. That does feel a little bit whack-a-mole, to be honest. The aim will be less high priority cases and then we can carry on with our medium and low priority work, but the reality is when we have got a big incident we have to deploy resource to that incident, and other things that those teams were doing just have to be held.

Deputy T.A. Coles:
I suppose the question is how is it decided and what is the high priority case over the medium case?

Chief Officer, Infrastructure and Environment:
I think it tends to be if there is a food outbreak, if there is a communicable disease or if there is a disease because of … either we are seeing something in there or we are seeing a food poisoning case or if it is an environmental case that we have got immediate pollution occurring, they will be the things that naturally will be higher priority. A lower case of an ongoing community nuisance or an investigation for trading standards or something like that, I think it oftens become fairly apparent which are the higher priority cases that need immediate action, and then the teams will flex accordingly.

Deputy A.F. Curtis:
I guess the high priority cases are the easy ones in some ways because they are so obvious, so your example of the weekend and things that reach the national newspapers are very likely to get cross-support and down all other tools. I think what we are really interested in as well is how are you going to establish … and we have been asking all Ministers in our portfolio about exactly what you said. Government is often about working together, and what we are interested in is how you plan to do that specifically and how you plan to do it effectively. For example, the split between Environment and Planning and Regulation and what we heard, as the vice-chair just said, was most of the legislative compliance required for the Minister for the Environment, Agriculture and Fisheries falls operationally to those with compliance experience in your directorate, in your team, which would now move to the Cabinet Office. An example might be where one Minister would have had the agricultural land laws, protection, control of certain leases. They could prioritise the impact of officer time for that against, say, the Wildlife Law. Now a Minister could have one ambition for compliance. They might take a very strong view on enforcing the protection of agricultural land. What we are interested in is how, within the resource constraints that have already been identified, are you going

to collaborate with Ministers to decide how to split that time? As you said, all Ministers want their thing to be on the top. The difference now is with the new organisational structure you are in some ways the arbiter of regulation and you get to choose perhaps and work with your officers as to how you prioritise other Ministers' compliance activity.

The Minister for Planning and Regulation:
It worries me.

Deputy A.F. Curtis:
It might need to.

The Minister for Planning and Regulation:
Seriously, Alex, politics is a contact sport, if I can put it like that. A lot of it is about relationships. I now have an office. It took some time to have an office. I used to sit on the sofa, which I found was great because everybody walked past the sofa and a lot of issues were discussed like that. Ministers raise things with me. In some cases it is informal. In some cases it is formal. The Minister for Infrastructure wrote to me about planning obligation agreements and how they work, and he raised some good points. We had a good look at it and discussed it between us, and I have sent a reply to the Minister and he said, I think, I am not quoting him, that it was a helpful reply and they have taken it on board. That is normal Government working. I raise things with other Ministers from time to time because of things I do, and I raised something on education this morning and I do not detect with the current team of Ministers anybody saying: "I am not dealing with you" or: "I do not like that."

Deputy A.F. Curtis:
It is more specific in this case about the use of compliance and enforcement officers, albeit policy decisions around P.O.A.s (planning obligation agreements) would be, in my view, a very different remit to how Ministers would come to officers in your area and say: "Well, I need this enforced and I am not seeing it." To your point earlier about the staffing challenges, you and your officers are often caught up with these very long, complex and, for the very few people, very weighty documents. I presume you would agree they often come down to the compliance or lack thereof of existing legislation and guidance. That is where I think we want to work out how that is going to work when huge amounts of time perhaps are taken up in different sections of Government and you ultimately might be the arbiter, the enforcer.

The Minister for Planning and Regulation:
I have not found myself in a position of having to take such difficult decisions. I do say to officers, and I have said on some issues: "I do not like the time we are spending on this" but sometimes we

have to, and I gave the example earlier of people who want so much information they are stopping us doing the work that we want to.

Deputy A.F. Curtis:

Maybe my last question on this is to go back to our conversation with the Minister for the Environment, Agriculture and Fisheries on Monday. She felt her teams were adequately resourced for their responsibilities for compliance but she recognised that to get compliance over the line it relied on you. Are you confident that you will be able to staff your side of the bargain so that when she turns up with, let us say, half a case ready and primed that you are ready to light the flame and get the other half across the line quickly so that she does not feel let down?

The Minister for Planning and Regulation:

The last thing I want is that she should feel let down. Within Government, the Ministers and the officers understand that we cannot do as much as we would like, and that is why I expect that to be sorted out between officers, frankly, to a large extent. I do not get Ministers saying to me: "Our area has absolute priority", and if I can say more widely there are a load of issues where the only enforcement is the police, and the police cannot do everything either. Nobody can. It is all about prioritisation.

Assistant Minister for Planning and Regulation:

I think officers are also guided by their own professional standards, so we are dealing with people who operate with a great deal of experience in their area but as much as the Ministerial teams will work together, and one of the impacts, to be frank, the Troy Rule means that there are Assistant Ministers like me who work across multiple departments, which is probably helping some of that working across departments anyway from the Ministerial level. The reality is when we have professionals operating in their area of expertise there should be an expectation from the Ministerial team to trust these individuals to work together, to make sure that they have identified to some extent some of the priorities they need to work on with an ear to what the various Ministers are feeding back to them. I think there is an element that there are professional standards and frameworks that guide how people will operate across the regulatory piece.

Deputy H.L. Jeune:

The question I suppose is whether it is the issue of not having policy coherence in the sense that on one side we are seeing changes in different planning policy areas that may have an impact, for example, on the Wildlife Law, and of course then the Wildlife Law, potentially the Minister for the Environment, Agriculture and Fisheries, holds that statutory responsibility, gathers a certain amount of evidence to say that a decision that was made potentially through that planning application has impacted negatively on the Wildlife Law. It has to come then to Regulation to be finalised or become

compliant, get it over the line, as Deputy Curtis says. Of course the decision in the first place potentially came out of the department, came from yourself. What we are trying to establish is then that political priority, when potentially one decision on one side has an impact on the other, and then how to prioritise or how to ensure that they get equal weight.

The Minister for Planning and Regulation:
I will answer then. We cannot impact on the Wildlife Law. The law is what it is. Nothing we can do will change that and we do not want to. The law is the key point. I cannot see we have done anything that will impact on the Wildlife Law. We have changed the information that has to be provided up front with planning applications, including bats in particular, which we did and we think was absolutely right to do, and we were perfectly satisfied that it was not going to have any adverse effects.

Chief Officer, Infrastructure and Environment:
I think the work on enforcement, the "enforcement" word is one of our last words that we use in terms of compliance. A lot of the teams are focused on education, encouragement, the softer side of compliance.

[11:15]

The enforcement side of our work, when you get to the enforcement cases that we present cases to the Attorney General, there are very few cases that get that far. We are generally pretty well resourced for reactive work. It is the proactive side of our business that has to be put on the backburner when we have got various staffing issues that we are seeing. When we have got wildlife cases, and I think we have got about 9 wildlife cases currently, they are given a high priority. If it is a reactive case, if it is a high impact case and we can see damage occurring there and then, and it is clear and present, we will act on that. I think every member of Regulation staff effectively does compliance work as part of their day job as well as the sharper end of the enforcement cases that go to the Attorney General, because most of our day job is spent encouraging, educating, letting people know what the rules are. Most people follow the rules; some people do not but the enforcement side of the business in terms of formal notices are thankfully very few and far between.

The Minister for Planning and Regulation:
I think I can add to that. The work we have done on rented dwellings and agricultural dwellings is a particularly good example. What we found from the businesses we visited is they absolutely want to comply and, in some cases, the key thing is giving them advice. If we went in with a heavy hand and said: "You are breaking this, this and this" we could not do all the enforcement. What we want is to get the accommodation up to standard as quickly as possible, and the education role is really

important here. Often you are dealing with small businesses and individuals who get more: "You have to do this, this and this" and it is helping them as best we can. I think the approach is absolutely right and we have not had significant pushback, certainly on those 2 issues, which I think are really important.

Deputy T.A. Coles:

I think we have covered a lot of the next subject area, which is regulatory reform, through the other questions, but there are just a couple of key points that I just want to ask some brief questions over, so I will not take too long of your time, hopefully. As we know with legislative drafting time that comes more from a central pool rather than from your budget. Have you had any conversations around the Council of Ministers about where your priorities are, your legislative work, and has any of it been delayed, paused or deprioritised through these conversations?

The Minister for Planning and Regulation:

I think the only legislation is to implement the Food Law, but that is simple. We do not have anything else in the next year.

Director of Housing, Environment and Placemaking:

Nothing that is not business as usual. Perhaps I could help the Minister. The general legislative programme has gone through a prioritisation exercise where Ministers' aspirations and needs have gone into the pipeline. I am sure you are familiar with that. We have applied a new level of discipline to the programme in that it is oversubscribed, and so we are trying very hard to make sure we prioritise it accordingly. All Ministers put in their requirements, and those go through a prioritisation process based on how close those are to deliverability, are they mandatory, are they internationally required, where in the hierarchy of need does that legislation fit and how ready is it for drafting. The Council of Ministers go through and agree that process, and we have 3 buckets of legislation. We have that in the programme, some of it is in the development pool and some of it is on pause. Those take big items of legislative drafting through. There is a business-as-usual strand as well, so where there are small pieces of legislative work to do that perhaps may be very impactful from a policy perspective but are quite low impact on a drafting perspective, they are dealt with on a business as usual. Some of the Ministers' aspirations although impactful through policy, will be quite small should they lead to legislative change after consultation and they will be picked up like that.

The Minister for Planning and Regulation:

Yes. There are some bits. We have orders of course to do as well. Work has to be done on that. I do not think it is revealing too many secrets but what might be agreed in Brussels in the next day or 2 is going to cause a massive amount of legislation; but no dispute, we have to do it, and therefore it takes priority and other things get pushed back.

Chief Officer, Infrastructure and Environment:

Yes. I think the E.U. (European Union) reset is still a big burden both on the Environment portfolio and the Regulatory portfolio in terms of what we are going to need to either respond to or not respond to, depending on how the rules are changing. We are 10 years on from that Brexit decision and we are still trying to understand what the impacts on the Island are. Undoubtedly the Island is still going to want to trade and it still wants the movement of products, food products and animal products, and that has an impact on both the Environment and Consumer Protection team and Regulation and also the Natural Environment team. Yes, the big change certainly for 2027 is we were, as of last week, planning a big piece of E.U. reset legislative work that is going to need to cover quite a number of pieces of Jersey legislation. We are going to have to keep an eye on exactly what we are now going to need to change. I am not entirely sure personally at this moment in time what we do or do not need to change. Things keep moving quite quickly, but that is an area where that is something we cannot do without. We are going to need to keep trading. The other areas of legislative change come from 2 directions, one from our own staff. We have always got lots of ideas on how we can improve things or make things simpler for people and certainly from the people who we regulate we are also getting feedback from them on a regular basis as well so it comes from both directions. They will be more business-as-usual changes, and then we have got the big things like the E.U. reset, which we are going to have to challenge ourselves to get done.

Deputy A.F. Curtis:

Could I drill in and see maybe you mentioned that the C.O.M. (Council of Ministers) have gone through quite a robust or diligent, I think you said, exercise. It sounds like there is a legislative programme that is formed now and that the Ministers' various legislations will fall somewhere. Do you have a breakdown you can walk us through where in the pause, B.A.U. (business as usual) pool and priority the various legislation for the Minister for Planning and Regulation sits? We have only heard about food at the moment.

Director of Housing, Environment and Placemaking:

I do not think it is breaking any secrets. There are no substantial pieces of work that are in the programme beyond the business-as-usual work that the Minister has already talked about, and that is in flight. So the permitted development, the Island Plan review regulations and then the food work, as you said.

The Minister for Planning and Regulation:

There is nothing in the list of legislation from my department.

Deputy A.F. Curtis:

Sorry, just to check, so the Planning and Building enabling regulations for the Island Plan are going to be pursued as a business-as-usual exercise?

Director of Housing, Environment and Placemaking:

Yes, that is right. They are underway already. Sorry, what I probably should have said is there is quite a lot of work that is already in flight. The legislative programme I am talking about is for 2027, and 2026 has got quite a lot of work already done, so quite a lot of that work is in flight and precedes the work that has been done on the programme, so it does not need to appear because it will be hopefully completed.

Deputy T.A. Coles:

One of the other areas of regulation that you are responsible for is the Jersey Care Commission and the Care Commission have advised that they are unable to provide assurances that recurring reduction in its government funding can be achieved without affecting the regulatory activity capacity and assurance and has indicated that legislative changes may need to be considered if statutory activity is to be reduced. Given your responsibility for the 2014 Regulation of Care Law, what discussions have taken place regarding the implications of the proposed funding reductions, and are you satisfied that the current regulatory framework and oversight can be maintained?

The Minister for Planning and Regulation:

I think it is the same position as we have on regulation generally. Of course they would like more money to do more. I have had a couple of meetings with the chair of the Commission, which have been very helpful, but from recollection their letter said that they can do what they need to do but it is not as much as they would like, and we accept that, but they understand the position that we have got across the piece. We have had this discussion with other regulators: "You are cutting my budget by X" and it is a bit: "Welcome to my world." They would like more, absolutely, but they can do what they need to do. They will have to prioritise in the same way that we have to prioritise.

Deputy T.A. Coles:

But given the Care Commission look after or will be taking over the regulation of ambulances and hospitals, obviously this is a key point for our Island's health and safety and all sorts. There was also the piece of legislation that the Minister for Health and Social Services brought last time, which reduced the fees that registered professionals pay, which has now been reduced, so that has a knock-on impact. Are you confident that, as the person responsible for the oversight of the hospital, all this is still okay?

The Minister for Planning and Regulation:

Again, exactly what we have said on regulation generally, we are satisfied that the statutory responsibilities can be done and that they can prioritise. They cannot do as much as they would like but they have indicated that they will get on and do it. They have got additional responsibilities. We have had a long discussion with them about how they are going to handle the work on the hospital, which was useful. One of the points I have been making to them is that we have policies on regulation generally and we are keen that this embraces regulators and it is not a heavy-handed approach. This is a regulator that, as you say, I am responsible for, which I discovered on my first day just by chance. They wanted to see me, as the chair was over, and it was very useful. Most of the areas where there are things that need to be done in regulation are not my Ministerial responsibility, and I need to talk with Ministers as I am doing it on a case-by-case basis. Again coming back, it is exactly the same as we have got in what we are doing. They have got resources; they can do their job. They would like more.

Deputy H.L. Jeune:

I have got the letter in front of me, Minister, and it is interesting how you analysed the letter because how I read it, I feel is that they are saying to maintain current regulatory activity they are concerned.

The Minister for Planning and Regulation:

I accept that.

Deputy H.L. Jeune:

They are saying that they need to reduce legislation or their statutory responsibility because they will not be able to uphold their statutory responsibility with the funding. I felt that your answer is saying they want to do more but they are okay, whereas I feel that the letter says that they are basically saying they cannot uphold what they need to be doing from a regulatory perspective.

The Minister for Planning and Regulation:

I do not have the letter in front of me as to the exact wording and I am recalling when I read it, which was several weeks ago.

Deputy H.L. Jeune:

I can read it to you: “The proposed budget reduction, if applied, will affect the Commission’s ability to maintain current regulatory activity, organisation capacity and public assurance. The impact is therefore being considered by the Cabinet Office.” So for me that feels like they are saying it is not about doing more; they cannot do what they are being asked to do now.

The Minister for Planning and Regulation:

It is exactly the same with what Andy said, is the position we are faced with. We cannot do everything that we would like to do. We are having to cut back on some of the things that have to be done because we have to prioritise, and I think each of the independent regulators has to be the same. We are having discussions with other regulators. They would all like to do more, and we have to ensure that each one of them is prioritising because there were concerns about regulatory costs, not only fees but the cost to businesses of complying and there will be a cost to the hospital of the inspection. From everything I can see, we have had a full briefing on it. They have agreed it with the hospital as to how they are going to do it. They are doing that work but they are in the same position, like I said, of regulation generally.

Deputy T.A. Coles:

But the point is there is no fee being paid by the hospital to the Care Commission. It is all coming through centralised funding. This was part of the agreement when the law changed. So it is central Government funding that is responsible for ensuring that the hospital is regulated and is safe and, of course, we are talking about with the Care Commission this is care, this is health, this is not necessarily all profit-making. There are profit-making industries involved within the Care Law so obviously I feel this is a different scenario to dwellings and food.

The Minister for Planning and Regulation:

If you can remember that what we are doing on the hospitals is new. There has been no such oversight in the past.

Deputy T.A. Coles:

In Jersey, but obviously globally there has been.

The Minister for Planning and Regulation:

Well, I mean, not quite. Ad hoc we have had the report that Hugo Mascie-Taylor did, so this is something new and additional. It is not an argument that things are getting worse. We are doing more, and I think that is welcome and the Commission has published how it is going to do it. We have discussed it with them. They wanted us to know what their plans were and any views we had on it.

Assistant Minister for Planning and Regulation:

I think to pick up what the Minister is saying. The last meetings of the Commission is that they are on track. There are ongoing conversations with the Cabinet Office about their plans, and certainly early 2027 they are going to continue working as they are. In relation to fees, and particularly to the professional regulation of fees that you referenced earlier, a payment has been made ... a lump sum payment has been made, or committed to them, by the Health Department to offset that. So the

impact of that fee change should not impact on them directly but, as we sit here, the conversations we have had with them, that officers are having with them through the Cabinet Office, is that their regulatory role and their programme, particularly around the hospital and the new services they are beginning to regulate, are carrying on as expected and within the scope they were designed for and they are building the programme.

Deputy T.A. Coles:
Are you happy to say that you can assure that their budget will not be reduced further? I think that was one of the essences. It is either the budget is constantly being reduced and whether that is …

Assistant Minister for Planning and Regulation:
Okay, so again this is going to be within the realm of the Minister, but I do not think we can commit to that. We are in an environment here where the Government during the 2028, 2029, 2030 period is going to be looking very hard at how money is allocated and spent across the whole public sector, and every area needs to be considered. That is not a statement that they are going to get reductions, but I think we cannot sit here and commit to implementing no reductions because that may need to be the case.

Deputy H.L. Jeune:
How does the Government, I suppose, where does it sit where there is that? I guess it is the risk appetite, is it not, of looking at legislation that is already made and the statutory responsibilities of different Ministers, so it is a risk to the Ministers in whether those duties are carried out?

[11:30]

Where does that discussion happen, and have you had that discussion already to see how far you feel that risk appetite can go on all the different statutory responsibilities, knowing that and hearing from yourselves very clearly today that reduction of staff, reduction of resources for all these different statutory bodies means that there is less compliance can happen. So where does that discussion happen, and I suppose where is the analysis of how far you can go?

The Minister for Planning and Regulation:
It happens in multiple different ways and with varying degrees of formality. So we will talk directly with individual regulators. I have talked directly with 2 regulators, the Data Protection Authority and the Competition Authority, that are not at all in my area of responsibility, but I have an interest in both. They asked to talk to us on some things. Both made the approach to me, as they do to other Ministers, and I found that useful. Collectively, as Ministers, we are looking at the structure of regulators and the Comptroller and Auditor General is about to do a report, which we will take on

board. When I looked at regulation, when I took on this role, can I see any logic in what we regulate in-house as opposed to independent regulators and how we do them? Absolutely not. Every decision has been taken on a piecemeal basis to deal with a particular issue. If you look across the piece, why is it some things like, to take an example, the Gambling Commission is outside Government but it could be inside Government. Who decided it was going to be outside as opposed to inside? So, recently, the Alcohol Licensing, the proposal was that it would go to the Gambling Commission. As a result of a sensible decision the Assembly took, it is now within my department. That is fine, but was that part of a logical discussion or was it a pragmatic approach to an issue? So, we would like to sit back, but having said that, we are where we are and the case for changing something has to be a bit more than 51-49.

Deputy H.L. Jeune:

Understood. I just was wanting to understand that risk appetite for that compliance piece. A lot of our questions have been, the last hour and a half, about how those decisions are made and where is the balance. You have talked, Minister, about when you came into Government, but before you came into Government you were part of the Policy Centre, and you wrote a document that is now published on the Government website called *Reducing Red Tape*. Can we take this as your purple book?

The Minister for Planning and Regulation:

No. I was a co-author of that; that is public information, to be transparent. It was written a year ago, the date on it is December; the planning one, the date on that is October, it was written in September. Officers have those documents. They certainly did not say: "This is what we have to do." I would hope, looking at my Planning colleagues, they took that as one of many contributions they get, including from the Partnership Board, and let us read it, there might be some things that we can look at. Now, clearly, when they discover that their Minister is the person who wrote it, but we have not discussed ever, that I can recall, that report. Kevin is agreeing with me. But that work was ...

Deputy H.L. Jeune:

More about talking about the content of it. It has quick wins in there, it has long-term, it is talking about finance, the risk appetite, all the things we have been talking about. So wondering if that is your direction of travel.

The Minister for Planning and Regulation:

Yes, the direction; absolutely right. On the specifics, no. Because that was perhaps 10 days' work. We did not do it sitting in an ivory tower. We had a really good meeting with industry representatives, we talked directly with businesses, we read everything that there was to read. We have quoted the *Barriers To Business* report. But, if I had been asked to spend 3 months, I would have produced

something a lot more. I have done consultancy work in the past. This was quick and dirty; that was the brief.

Deputy H.L. Jeune:

Now you are in the job, you are seeing that there are different things that you need to be doing.

The Minister for Planning and Regulation:

I have not read it since I wrote it other than to do some proof reading. The broad thrust, I absolutely accept, and the key point in that paper, the most burdensome regulation is not law, it is not even regulation, it is guidance and practice. To give an example, and I have raised that with the Care Commission, one of their documents I read had 30 requirements effectively in law to comply with guidance and 15 to comply with best practice. I just think that is wrong in principle, and I have said that to them. But I do not expect them to say: "Stop everything, we are going to change it." We met them and they have taken it on board. Clearly when we look at things in detail, you realise that is a nice idea, and Kevin often might tell me: "Nice idea but we cannot do it", or we can only do it by changing the Bridging Island Plan, or we can only do it by changing the primary law. So that was a contribution to the debate. That was what it was intended to be, and indeed, when I came into office, some of the recommendations in there had been implemented. I am not saying that because they were in the report, it was not me; but I know Alan Merry. who wrote it. met Andrew and Chris Carter as part of the work.

Deputy H.L. Jeune:

So you can say that you have moved on, and I think we can ...

Deputy A.F. Curtis:

We will probably go in there. Can I just check, when we are talking about reports, we have 2 reports that were commissioned by the Government of Jersey and provided by the Policy Centre in October 2025. Deputy Jeune, the chair, was asking about the *Reducing Red Tape* report and what I will probably ask a few questions on is *Planning: Reducing the Regulatory Burden*. Just for the interests of those listening, are you talking about both at the moment? Okay, so when you talk about the report, you always talk about them as a package deal?

The Minister for Planning and Regulation:

The commission was not to produce 2 reports, it was to produce one report, but then we had a request because there was a consultation on ...

Head of Place and Spatial Planning:

It is the first round of the permitted development changes.

The Minister for Planning and Regulation:

... permitted developments. We were asked whether we could divide it into 2 and produce something on planning. But the main report includes effectively a summary of the planning report. So that is how it happened; it was one commission, not 2.

Deputy A.F. Curtis:

Okay. Just so we are clear that we are talking about a package of reports, of originally one commission and you split it out. Your comment is that it has not been brought to the Council of Ministers for any of their positions; it acts in some ways as an aide-mémoire to what has happened and it looks forward at some options.

The Minister for Planning and Regulation:

That is a pretty good description. The Council of Ministers were notified; indeed the main one was on the C.O.M. agenda because we have agreed a policy, a new framework for regulation generally, and which will be published in due course. There is a bit of work to be done on it. We have also agreed a framework for new regulation, which will require all new proposals to have a statement of what their impact will be. I do not mean impact on the Government; I mean impact on the environment. So, as part of that, C.O.M. was given this paper and it is a wider issue in Government about how we do Government. I am committed to evidence-based policy making. I have spent 3 years doing voluntary work for the Policy Centre on a range of policy, and that is what I love doing. Within Government, there was a bit of a view that we have to respond to a report, and I kept saying: "You do not have to respond to it other than say thank you." A good example; we recently agreed, and I was part of that decision, to publish the final version of the last report by the Water Scientific Panel, and again we discussed do we have to give a response, and we said, no, we publish it. So it is a contribution to the debate, and I am delighted you all have copies because we have achieved a purpose if people are discussing it. We were due to have a meeting. The Policy Centre had organised a meeting on hurricane day, where we were going to have some industry response and we had to call it off.

Deputy A.F. Curtis:

Maybe I will move to some conversation on planning and, as always declared, I am the chair of the Planning Committee, but I will be wearing my Scrutiny hat. You will see we have 2 members of the Planning Committee here, or 3, so we have to take these roles. I will move off the report. The reason we are raising it, it is an interesting consultation that really does align to your first ambitions having become Minister, so reference to the S.P.G.s (supplementary planning guidance), the pursuit of phase 2, and pretty much as you have stated, the General Development Order and a review on the minimum space standards. I guess what would be interesting, Minister, just for those who are

listening who are seeing that you are consulting on elements, so I will read from the summary of *Planning: Reducing the Regulatory Burden*, it says: "The S.P.G. on space standards provides for higher minimum standards than in the U.K. (United Kingdom). This removes choice for those seeking small units. The standards should be revised to allow smaller units." You are consulting on that, and in the States you said you are open-minded. You have also said you have not pre-determined the position. Just for those who are listening, this report, although your contributions earlier to it do not represent you as Minister now, you are more than happy to be open-minded to retaining the sizes, changing them in any way, and you are not pre-determining based on the content in here.

The Minister for Planning and Regulation:

Absolutely. 2 things, first of all my name is not on that report.

Deputy A.F. Curtis:

I did not say it was.

The Minister for Planning and Regulation:

Quite deliberately, it is a report by the Policy Centre in the name of the Policy Centre and was reviewed by my colleagues at the Policy Centre. However, we wanted to be open and transparent and in what has gone on the Government website, for transparency, it was written by Alan Merry and by me, and that is as it should be. But you are absolutely right on that, but the fact is we did not think of that ourselves; it is what people told us. I mentioned the Partnership Board, which is a really great contribution to the work that we do, they gave us a list of quick wins. Number one was revert to the residential space standards or mirror England's nationally-prescribed space standards. Alan and I did not come up with that, this is what people told us. So I feel like the standards need reviewing, but obviously the consultation, and you have the paper, if there is something that is on permitted development orders like polytunnels, which seemed a good idea at the time, but on closer examination does not work, that is fine. Also, there is something in that about co-living arrangements. There is nothing in our report about co-living arrangements because it had not been mentioned to us, but it has been mentioned to me and others since. So, it is absolutely open, and we will publish a full analysis of the responses. If there is clear evidence that we should or should not be doing something, we will take that on board. But am I committed to implementing the Policy Centre report? Absolutely not.

Deputy A.F. Curtis:

Okay. Taking a step back, looking back to the Budget and the C.S.P. and its relation to planning reform, you have mentioned the need to prioritise and that you wish you had more policy officer time. But there is obviously a balance between policy and your Regulation team that drive planning

reform. What are the principal risks to delivering any other parts of planning reform in this year's Budget? Is there anything else, maybe non-workforce related, that is impacting the delivery of planning reform?

The Minister for Planning and Regulation:
I do not think so. The critical risk is Kevin.

Head of Place and Spatial Planning:
Not just me.

The Minister for Planning and Regulation:
You should not underestimate the in-house knowledge of things like dealing with the Bridging Island Plan. It is a very long document, as you know, and very complex. I have to say, I found it invaluable having Kevin's expertise on that of saying, to give an example, we wanted to do something on use classes, which again the Partnership Board has said we need to be more flexible, and we tried to do it in the permitted development order, but we cannot. So it is something that is on our agenda to look at when we are looking to revisions to the Bridging Island Plan. A lot of public policy, the Minister can say what they might want, and often the best work of officials is saying: "Yes, but we cannot do that, but what we can do is something quite close to it. But if you want to do it like that, Minister, it will take 3 years." I am going to give an example from education in London. London schools went from the worst in the country to the best in 10 years. There is an excellent book on it by Andrew Adonis, who was instrumental in doing it, and the one line I like is that: "We were determined this would go nowhere near Parliament." Because what he wanted to do did not require legislation. If you require legislation, you are in a different process, so it is about how can you achieve things, and you can have all of the consultation, might not lead to legislation, so it is how can we get things done quickly.

[11:45]

Deputy A.F. Curtis:
It does sound like one risk is legislation though, because to deliver your use class, if that is a route you choose, will require legislation, so turning back to the legislative programme.

The Minister for Planning and Regulation:
The Bridging Island Plan changes that need to be in that, yes.

Deputy A.F. Curtis:

It is a trickle-on, is it not? You cannot create permitted development rights to achieve your ambition without an Island Plan that supports your direction, and you require legislation to change the Island Plan.

The Minister for Planning and Regulation:
We require legislation to change the Island Plan, but not to changes in the plan which we will do in another way.

Deputy A.F. Curtis:
So my question is going to come back to what we discussed earlier, which are those enabling regulations provide for revisions?

The Minister for Planning and Regulation:
That is business as usual.

Deputy A.F. Curtis:
It is business as usual, and my question is about timelines, because this is our last time meeting you this year. What is your current timeline and what is the impact of that timeline on your ability to deliver what then follows next year?

Head of Place and Spatial Planning:
We are working with the Law Drafting Office now to prepare those regulations, and with a fair wind, and obviously the Minister's agreement, then we would look to lodge those in the Assembly, if we can, before the end of the year, with a view to debating those following the lodging of the proposition for them. Then that will complete the Minister's formal package, if you like, in terms of the legislative ability to both revise an Island Plan or to review an Island Plan. So that will give the Minister the legal framework then to move forward with the substantive policy bit.

Deputy A.F. Curtis:
So we are still on track for a lodging date in 2026, which would lead to a debate in the first or second sitting of 2027, at least on the principles, of course. Turning to the C.S.P., which interfaces with your policy. You have a C.S.P. that covers regulation and red-tape reduction, regulatory burden, and action 4.1 is: "Revise the Island Plan to facilitate economic growth and sustainable development." We may talk about the panel's amendment to that later, but first of all, in drafting that and including that in the C.S.P., what evidence was gathered to date that suggests that the current planning framework is inhibiting economic growth and preventing, to quote again, sustainable development?

The Minister for Planning and Regulation:

This comes back to the general policy we want is to promote economic growth. We know that people's expectations about their living standards are not being met. Many people in this Island are struggling to meet living costs. The best way we can address those is by economic growth, which will give more job opportunities to more people to increase income, and also increase tax revenue. It was said at a meeting yesterday, 5 per cent economic growth, other things being equal, will mean 5 per cent increase in real incomes, 5 per cent increase in tax revenue. Can we identify specific issues that are inhibiting economic growth? The use classes is one, and again it is something that the Partnership Board made that point very explicitly that the time it takes to get a change of use permission in a fast-moving economic environment is an issue. So that is one. I will not say these are major points on economic growth, they are not, but to promote economic growth requires everything across the piece to be aligned to that. That is the way it is worded as it is.

Deputy A.F. Curtis:

It has one wording at the moment, of course this panel has proposed an amendment to action 4.1, which, in short, inserts: "Where evidenced and necessary." Minister, you have highlighted the need for evidence. What, to you, forms good evidence in changing a policy versus anecdote?

The Minister for Planning and Regulation:

First of all, input from the people most affected. I keep referring back to the Partnership Board, and I have their quick wins paper in front of me; that is evidence. So anecdote, I spend a lot of time talking with all sorts of people in education, which is another area of mine, and on planning. From every aspect, I am just always keen to hear their views. The fact that it is an anecdote, there can be evidence-based anecdotes and there can be anecdotes from keyboard warriors, if I can put it like that. I am always keen to talk with those speaking from experience about their issues. I have raised a few points this morning that have come to me from people I have talked to. But then you do a formal consultation and you are getting hard evidence. One thing I have succeeded in changing - and I have not succeeded in changing a lot - we are asking now very explicitly, when we are consulting, to tell people who they are. When I went through the permitted developments consultation with Kevin, I had something telling me that 62 per cent were in favour and 28 per cent were against. That does not help me in the slightest. I want to know who they are. So we are asking explicitly who they are, and we want to quote them in the response. If Andium Homes says something about co-living or about space standards, that is more significant than an individual who does not provide any housing.

Deputy H.L. Jeune:

Minister, I suppose I would also like to ask about how you weight those contributions or seek contributions. Deputy Curtis mentioned that the C.S.P. says "sustainable development", which of course is the weighting not only economic, but also community and environmental well-being, and

how do you ensure that you are listening to all those 3 strands - the community, environment, as well as the economic side - and how do you ensure that you are gathering the evidence and that it is equal-weighted?

The Minister for Planning and Regulation:

I want to produce the best possible outcomes, and I cannot do it unless I listen to everybody. If people ask to see me, I see them, provided they are not one of the people who might say ...

Deputy H.L. Jeune:

Do you seek those who maybe do not feel that they have the same voice or the same access as others? Because sometimes there is a ...

The Minister for Planning and Regulation:

They seek me as well. My general rule, if people want to talk to me, I did not say provided they are polite; I do not like to put it like that. But I have a meeting with a couple this afternoon who wrote me an email that they were concerned about their planning case. They said: "We would really like to talk to you about the process." I said: "Look, I cannot talk to you about the case, that is not helpful, but I am very happy to talk." A really nice, constructive email, and we are having a coffee this afternoon. I pick up things like that and, as officers will know, I report my bacon roll round on a Monday morning ...

Deputy H.L. Jeune:

We are talking about evidence-based and therefore individuals understandably, but it is more a case of trying to feel that the evidence-base is equal in how you collect it from different ...

Deputy A.F. Curtis:

For example, we have a range of bodies with experience, and professionals in industry who may take a view on heritage matters. If you are consulting on things that involve heritage, as you said, in the case of modern housing you give Andium greater weight. Are you equally giving an expert in historic environment matters, and the retention and preservation of the historic environment, more value when it comes to that than a developer who does not hold that expertise on the books?

The Minister for Planning and Regulation:

You take the whole lot. I do not categorise them like that. They all go in. One of my early meetings ...

Deputy A.F. Curtis:

You said you are capturing who is submitting what so you can give appropriate weight to their expertise, like Andium.

The Minister for Planning and Regulation:

There are 2 separate things. There is I may have personal conversations with people, which I really value. I had a great session with National Trust Jersey, at their request, for an hour and a bit about some of the issues that they are facing. I went to their opening at Grève de Lecq; again another really useful discussion. But then we get to the formal consultation, and that is very different. I do not do the analysis; that is up to Kevin and his colleagues. They will produce for me a comprehensive analysis of the responses. Yes, we should be naming Andium, and not just Andium, but there can be an individual who makes a really good contribution. For those who follow my LinkedIn ... I will tell you for those who do not. I did a speech to the Société last week that was not hugely significant, there was no policy in it. Alex was in the audience and reduced the average age of the audience substantially. Somebody put a post on LinkedIn saying: "Reflected on what I have seen", and he made a really good point about what makes everything special is how it is joined up, Mark Clayson; I thought that was really interesting. He is an individual and I responded to him this morning saying that is really helpful and I take that on board.

Deputy H.L. Jeune:

Again, it comes back to that, when it is a formal consultation, to ensure that, because at the end of the day the formal consultation and the evidence gathering is where the decision-making will happen, because of course your anecdotes, and it is good that you are speaking to different stakeholders, but that does not necessarily help in the decision-making when you are needing to have an evidence-based analysis. Wondering then again, coming back to how do you encourage those to ensure that you are getting evidence from a range, in that sustainable development, the different community and environmental, to ensure that when the analysis happens that it is evidence-based, as you are asking for?

The Minister for Planning and Regulation:

You have raised a really good point that I want to pursue more widely. I have been concerned about consultation, much with businesses, but we should not be listening to the people who shout loudest as a general presumption. To my view, a consultation involving shoving something on Facebook with a tick-box exercise is not good consultation. On any exercise, you need to look at who do you want input from. In some cases, it is from businesses and professionals, in other cases it is from community groups, and they are not often equipped to write in a ...

Deputy H.L. Jeune:

Have you instructed your officers to go out and do that in that change of idea of a consultation, instead of it just being a link buried in a website that is very specific? There may be certain bodies like the Partnership Board know it is happening, so therefore they ...

The Minister for Planning and Regulation:
Exactly.

Deputy H.L. Jeune:
Has there been a concrete effort to find the voices that have not necessarily, in the past, felt that they could participate in consultation; how have you done that?

The Minister for Planning and Regulation:
We sent the response directly to a large number of organisations. Can we do better across the board, not just on this, in making sure that we are getting to every group? It comes back to resources. Again, if we had resources, you might be organising a focus group, which are a good way of consulting the public in particular, but those are costly and they take time.

Deputy A.F. Curtis:
You have acknowledged that you have your direction. The panel is very interested to see how, at the evidence base for consultation and for policy moving forward, it is balanced and listens to all the voices. We will no doubt be pushing on that. I have a quick question on timetables for next year on your delivery. You have mentioned the 2026 lodging ideally for the Planning and Building enabling regulations. They are only there to enable you to do stuff, which is change the Island Plan. You have mentioned one barrier to Island Plan changes would be use classes. Since we met in our quarterly hearing, where have you got to in identifying what else you want to change, how quickly do you plan to move, and what can you share with us today so we can be prepared?

The Minister for Planning and Regulation:
Again, we prioritise the work on permitted developments and on supplementary planning guidance, and getting the enabling legislation lodged. I gave Kevin a bit of a shopping list and it is going a bit like that paper you have there, at first blush these are some things we should look at. The officers will have picked up things over time from the work that they are doing day to day, that Andrew will have picked up, and his colleagues, and Kevin will have picked up. We have planning applications, and the law does not quite work as it was intended or we think it would like to. What we will do is, probably early next year, sit down and spend a lot of time going through a shopping list. A key point Kevin has reminded me, is that the more we have in it the more controversial the issues, and the longer it is the longer it will take. That is another decision we will have to take. We will want to come

to you early on - well before public consultation - saying this is the areas where we think we can do most.

Deputy A.F. Curtis:
But you do not think, just for time, you do not plan to really revise or review that shopping list until you have that legislation in place, because you have too much to do, so it looks like early next year?

The Minister for Planning and Regulation:
I would not quite put it like that. It is an ongoing process. Kevin?

Head of Place and Spatial Planning:
Yes, as the Minister said, the Minister has indicated to us, where the Ministers have a view, that there might be some requirement to change. Clearly, it is worth stepping back and obviously looking at the new Government coming in, setting the new Government's priorities and, as you have suggested, there has been this focus on looking to encourage economic growth. It might be we look at the economic components of the plan. We have been doing some work with colleagues across Government looking at various Ministerial portfolios, including specific engagement with our colleagues in the Economy Department to look at how the plan currently performs and how it might perform better. It is worth casting your minds back to the context within which the plan was prepared. It was prepared at the time of COVID, it was prepared at the time of Brexit, and probably in many respects where the Island's context has changed since that time is around the economic circumstances of the Island. So we will look at all of those elements. But the other point to make, and this goes back to the point that you were just making, is clearly the Island Plan has to be a sustainable development plan and it has to consider environmental, economic, and social consequences. Any revision to the plan will need to be integrated into that existing framework and, clearly, we will provide the Minister with professional advice as to how we think that might work from a planning professional perspective. Then it will go into the political domain as to how that is ultimately determined. But these things should not be seen in isolation, they need to be considered in the round, and ultimately that is the duty of the Assembly to consider whether you have a sustainable development plan that you can approve.

[12:00]

The Minister for Planning and Regulation:
Also, I would take it to the Council of Ministers as well when we are at that stage.

Deputy H.L. Jeune:

I just have one last question, because I have realised we have reached the end, though I am sure we could carry on. You mentioned briefly - very briefly - about the building controls review, but we have not talked about building controls today. I remember in the last hearing you said you had not yet been briefed on those. Have you had a briefing since, and what are the key findings you have had, or priorities, or is there a timeline to that? Because we were not able to get that from you last time in the hearing, because you had not been briefed yet, understandably.

The Minister for Planning and Regulation:
That was quite early into my role.

Deputy H.L. Jeune:
Yes, exactly.

The Minister for Planning and Regulation:
Yes, we had a brief 2 weeks ago, and it was officers on what is planned on building control. I just needed to be up to speed. A lot of it is just bringing things up to date. There is some post-Grenfell work that needs to be done, but Andrew will expand a bit.

Head of Development and Land:
Yes, we briefed the Minister and the Assistant Minister last week, so we are on course to deliver the building standards review project in the first quarter of next year. The Minister still needs to give guidance, along with Scrutiny, whether there is an interaction that needs to follow with yourselves as well. Most of it is bringing documents up to modern standards that have not been updated for 20 years or more. Some of them are fundamental safety around fire and structure, other ones are there to fit in with the net-zero activities, and others are just good practice that has been adopted all across the world. We are just going through the internal peer reviews and an external peer review for the fire safety document, and then we will go into a second and third round of consultation with industry experts, either by the end of this year or early next year, we will be ready to go Q1 next year.

The Minister for Planning and Regulation:
I was very satisfied with the review. We did have quite a discussion about fire safety issues, which has been clearly a priority with Grenfell. It is not something we can get too involved in, but I did want that briefing. You rightly raised the point. I found it very useful to know what was going on.

Deputy H.L. Jeune:
It comes back to policy coherence, does it not, where we have ambitions in one end, but if you do not have in the other, then it does not matter if we want net zero? But if there is not, in the building controls, anything related to encouraging changes and adaptation there, then it does not fit the policy

direction. So, it is something that we definitely would like to be involved in as Scrutiny, as and when you come to it. Any other questions from my panel? No, not that we have time for. I would like to thank the Minister, Assistant Minister, officers, for your contributions, also to my panel and to my panel officers for helping me with the question plan, so thank you very much.

[12:03]