

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *FOR THE* ENVIRONMENT & INFRASTRUCTURE

PLANNING PANEL - APPOINTMENT OF A NEW CHAIRMAN

The States are asked to decide:-

Whether, after consideration of the Policy Letter entitled “Planning Panel – Appointment of a New Chairman” dated 20th February 2017, they are of the opinion:-

1. To elect Mr. David Gwyn Harry as Chairman of the Planning Panel with effect from 1st April 2017 to hold office for the unexpired portion of Mr. Patrick Russell’s term ending on 31st March 2021; and
2. To note the resignation of Mr. Patrick Russell from the Planning Panel with effect from 31st March 2017.

The above Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

COMMITTEE *for the* ENVIRONMENT & INFRASTRUCTURE

PLANNING PANEL – APPOINTMENT OF A NEW CHAIRMAN

The Presiding Officer
States of Guernsey
Royal Court House
St Peter Port
Guernsey

20th February 2017

Dear Sir

1. Executive Summary

The purpose of this States Report is to ask the States to:

- Elect Mr. David Gwyn Harry as the Chairman of the Planning Panel (“the Panel”);
- Note the resignation of Mr. Patrick Russell from the Panel.

2. Background

- 2.1 The Land Planning and Development (Guernsey) Law, 2005 (“the 2005 Law”) came into force on 5th April 2009. Section 86 of the 2005 Law explains the requirements for establishing the Planning Panel and the appointment of a Chairman.

Establishment of Planning Panel.

- 86. (1)** *The States shall, on the recommendation of the Committee for the Environment & Infrastructure, draw up and maintain a panel to be called the Planning Panel which shall consist of six independent persons and from which the members of the Planning Tribunal shall, from time to time, be appointed.*
- (2)** *A recommendation of the Committee for the Environment & Infrastructure under subsection (1) may be amended by resolution of the States to the intent that persons other than those recommended by the Committee for the Environment & Infrastructure may be elected to the Planning Panel.*

- (3) *Of the members of the Planning Panel –*
 - (a) *not less than four shall be permanently resident within the Channel Islands,*
 - (b) *not less than two, who shall be designated by States’ resolution as the “**professional members**”, shall be persons with such qualifications and experience in planning matters as in the opinion of the States is necessary for the hearing and determination of appeals to the Planning Tribunal,*
 - (c) *one shall be designated by States’ resolution as the Chairman of the Planning Panel, and*
 - (d) *one shall be designated by States’ resolution as the Deputy Chairman thereof.*
- (4) *The members of the Planning Panel shall, subject to the provisions of subsection (5), hold office for a term of six years, and a person may be elected for more than one term of office.*

Such appointments must be made by the States upon the recommendation of the Committee *for the Environment & Infrastructure*.

2.2 At its meeting in 25th March 2009, the States approved the appointment of Mr. Patrick Russell as Chairman of the Panel for a six year term. Mr. Russell was re-elected as Chairman of the Panel on 13th February 2015 for a further six year term.

2.3 Under the provisions of Section 4 of the Land Planning and Development (Appeals) Ordinance, 2007, the following individuals are precluded from serving as a member of the Panel:

- (a) a Member of the States of Deliberation within the meaning of the Reform (Guernsey) Law, 1948;
- (b) an employee of the States who is employed by the States within the Development & Planning Authority, a member of the Authority or a person who carries out work for, or provides services to the Authority in relation to any functions of the Authority under the 2005 Law or the repealed enactments¹,
- (c) a member of the Strategic Land Planning Group;
- (d) a person who holds appointment to any judicial office in Guernsey; or
- (e) any person who has been such a person at any time within the period of two years ending on the date of the proposed election.

¹ This refers to the previous planning legislation. The reference was relevant when the current legislation first came into force as work was being carried out under the former legislation as part of transitional arrangements.

- 2.4 In November 2016, Mr. Russell tendered his resignation from the Panel effective from 1 April 2017.
- 2.5 The Committee *for the* Environment & Infrastructure would like to express its thanks to Mr. Russell for his substantial contribution as Chairman of the Planning Panel as it was both originally established and during its subsequent development. The Committee is grateful to Mr. Russell for his hard work in leading the Panel for its first eight years and acknowledges that his considerable professional experience, especially as a part-time Tribunal Judge of the First-Tier Tribunal, Health, Education and Social Care Chamber, has helped establish the Panel as an accessible appellant body for those wishing to challenge a planning decision.

3. Appointment of a new Chairman

- 3.1 The Committee noted that the former Policy Council, when appointing members to the Panel in early 2009, considered that the Panel should be chaired by a legally qualified person. Mr. Russell was appointed as he is a qualified solicitor and had significant experience as a part-time Tribunal Judge of the First-Tier Tribunal, Health, Education and Social Care Chamber.
- 3.2 Therefore, the Committee invited expressions of interest from the Panel's legally qualified members regarding the vacant Chairman's position.
- 3.3 After careful consideration of the expressions of interest received, the Committee is recommending that Mr. David Gwyn Harry be elected as the Panel's Chairman. Mr. Harry is a Guernsey resident and has served as a Panel member since September 2012 and prior to that he served as a "reserve member". A brief summary of Mr. Harry's curriculum vitae is appended to this Report.

4. Propositions

- 4.1 The States are asked to decide

Whether, after consideration of the Policy Letter entitled "Planning Panel – Appointment of a New Chairman" dated 20th February 2017, they are of the opinion:-

- (a) To elect Mr. David Gwyn Harry as Chairman of the Panel with effect from 1st April 2017 to hold office for the unexpired portion of Mr. Russell's term until 31st March 2021; and
- (b) To note the resignation of Mr. Russell from the Panel with effect from 31st March 2017.

4.2 In accordance with Rule 4(4) of The Rules of Procedure of the States of Deliberation and their Committees, it is confirmed that the propositions accompanying this policy letter are supported unanimously by the Committee *for the Environment & Infrastructure*.

Yours faithfully

B L Brehaut
President

M H Dorey
Vice-President

H L de Sausmarez

S T Hansmann Rouxel

S L Langlois

APPENDIX 1

Curriculum Vitae for Mr. David Gwyn Harry

Mr. Harry was appointed as an Ordinary Member of the Planning Panel in 2009. As a member of the Planning Panel, Mr. Harry has served on a large number of Planning Tribunals and has attended the Panel's various ongoing training sessions.

In 2015, Mr. Harry was appointed as the Chief Executive Officer for the Guernsey Sports Commission. This post is a part-time appointment.

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| Qualifications: | Batchelor of Law Degree 1973 Solicitor of the Supreme Court of England and Wales 1977 Member of the Society of Trust and Estate Practitioners 1995 Judicial Skill and Competences 2010 |
| Professional: | Qualified as a Solicitor in 1977 with Fonseca and Partners South Wales |
| Experience: | 1980 - partner at Fonseca and Partners 1990 - joined Wedlake Bell McKean in Guernsey 1991 – appointed partner at Wedlake Bell McKean and Wedlake Bell in London 1990 to 2014 - Non-Executive Director of various Trust Companies and property funds |

Mr. Harry retired from professional practice in 2014. Throughout his professional career as a solicitor specialising in property matters he gained a wide ranging commercial and private client legal experience including advocacy before courts and tribunals and considerable property and planning experience in connection with residential and commercial property situated in England and Wales.

In addition, since moving to Guernsey, Mr. Harry has been actively involved in Island life and has served on the St. Peter Port and St. Andrew's Douzaine (he stood down from the St. Andrew's Douzaine in December 2016). He has also been actively involved in sport on in Guernsey, especially cycling. He is also chairman of the Guernsey Commonwealth Games Association and is a member of the panel of legal advisers appointed to advise the Commonwealth Games Federation.