

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**COMMITTEE *FOR THE* ENVIRONMENT & INFRASTRUCTURE**

**PLANNING PANEL - APPOINTMENT OF AN ORDINARY MEMBER**

The States are asked to decide:-

Whether, after consideration of the Policy Letter entitled “Planning Panel – Appointment of an Ordinary Member” dated 3<sup>rd</sup> September 2018, they are of the opinion:-

To elect Mr. George Jennings as an Ordinary Member of the Planning Panel, in accordance with section 86 of the Land Planning and Development (Guernsey) Law, 2005, with effect from 1<sup>st</sup> November 2018 to hold office until 31<sup>st</sup> March 2024.

The above Proposition has 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 AN ORDINARY MEMBER**

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

3 September 2018

Dear Sir

#### **1. Executive Summary**

1.1 The purpose of this Policy Letter is to ask the States to:

- a) Elect Mr George Jennings as an Ordinary Member of the Planning Panel (“the Panel”); and
- b) Note the resignations of Mrs Sheelagh Evans and Ms Julia White as Ordinary Members of the Panel.

#### **2. Background**

2.1 The Land Planning and Development (Guernsey) Law, 2005 (“the 2005 Law”) came into force on 6<sup>th</sup> April 2009. Section 86 of the 2005 Law explains the requirements for establishing the Planning Panel:

##### ***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 nine 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 are made by the States following a recommendation of the Committee *for the Environment & Infrastructure*.

2.2 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 enactments<sup>1</sup>;
- (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.

2.3 In April 2018, Ms White resigned from the Panel and in August 2018, Mrs Evans also resigned.

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<sup>1</sup> 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 The Committee *for the* Environment & Infrastructure advertised for new Panel members in June 2018. The advertisement was placed in partnership with the Committee *for* Employment & Social Security which was seeking to appoint new members to the Housing Appeals Tribunal.
- 2.5 The advertisement attracted a number of candidates and the applications were assessed against the key criteria for Tribunal members and the applicants' knowledge of planning matters. Appendix 1 sets out the key criteria the candidates were scored against.

### **3. Resignations**

- 3.1 The Committee wishes to record its thanks to Mrs Evans and Ms White for their hard work, commitment and contributions as members of the Panel. The Committee notes that both have been involved with the Panel since it was established in April 2009 and have helped contribute to its development and to ensuring that planning appeals are determined fairly and openly.
- 3.2 The Committee recognises the important contribution members of the public willing to serve on appeal tribunals make to the wider administration of justice in Guernsey and help to ensure that appeal tribunals are fair and accessible to those making appeals.

### **4. Election of Planning Panel Member**

- 4.1 The Committee agreed to recommend to the States of Deliberation the election of Mr George Jennings as an Ordinary member of the Panel with effect from 1<sup>st</sup> November 2018 to hold office until 31<sup>st</sup> March 2024.
- 4.2 Mr Jennings retired as Guernsey Post's Operations Director in early 2016, having been with the company for 31 years. Mr Jennings was awarded a BSc (Hons) in Applied Social Science (Labour Studies) by Southampton University in 2006.
- 4.3 Mr Jennings was appointed to the Employment and Discrimination Tribunal Panel in 2009 and is also a member of the Employees Panel established under the Industrial Disputes and Conditions of Employment (Guernsey) Law, 1993.

### **5. Conclusion**

- 5.1 The Committee recommends to the States the election of Mr George Jennings as an Ordinary Member of the Planning Panel for a six-year term. The Committee thanks Mrs Sheelagh Evans and Ms Julia White for their service on the Panel.

5.2 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 have the unanimous support of 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

The Planning Tribunal is an independent judicial body and therefore approaches all its deliberations in accordance with the six principles known as the Bangalore Principles of Judicial Conduct endorsed at the 59<sup>th</sup> session of the UN Human Rights Commission in April 2003. These principles are:

- (i) Judicial independence is a prerequisite to the rule of law and a fundamental guarantee of a fair trial. A Tribunal member shall therefore uphold and exemplify judicial independence in both its individual and institutional aspects.
- (ii) Impartiality is essential to the proper discharge of the judicial office.
- (iii) Integrity is essential to the proper discharge of the judicial office.
- (iv) Propriety, and the appearance of propriety, are essential to the performance of all of the activities of a Tribunal member.
- (v) Ensuring equality of treatment to all before the courts is essential to the due performance of the judicial office.
- (vi) Competence and diligence are prerequisites to the due performance of judicial office.

The applicants for the vacancy on the Planning Panel were assessed against the following key criteria and these reflect the principles set out above:

- 1. To be able to act with integrity and have independence of mind.
- 2. Work independently and as part of a team.
- 3. Excellent communication and interpersonal skills when dealing with people from a wide range of backgrounds.
- 4. Absorb, interpret and question complex information, including written material and verbal submissions, and identify the salient points.
- 5. Readily read situations and respond appropriately.
- 6. Play an effective role by listening, persuading and showing respect for the views of others, whilst also presenting one's own point of view.
- 7. Challenge the views of others constructively and without becoming confrontational.
- 8. Weigh all the facts relating to a matter without being unduly swayed by any particular point of view or set of circumstances and then reach a balanced decision.
- 9. Take balanced, open-minded and unbiased decisions whilst also taken into account the provisions of the relevant legislation and previous Tribunal decisions.



Committee *for the*  
Environment & Infrastructure

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The President  
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13 September 2018

Dear Deputy St Pier

**Policy Letter “Planning Panel – Appointment of an Ordinary Member”**

In accordance with Rule 4(1) of the Rules of Procedure for the States of Deliberation and their Committees, it is requested that the Policy Letter entitled “Planning Panel – Appointment of an Ordinary Member” be considered by the States of Deliberation at its meeting on Wednesday 24<sup>th</sup> October 2018.

The request is made to ensure that the Planning Panel’s new ordinary member is available to sit as a member of a Planning Tribunal from 1<sup>st</sup> November 2018.

Yours sincerely

**B L Brehaut**

President  
Committee *for the* Environment & Infrastructure