

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

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

**PLANNING PANEL – THE ELECTION OF THREE NEW ORDINARY MEMBERS**

The States are asked to decide:

Whether, after consideration of the Policy Letter entitled "Planning Panel – the election of three new ordinary members" dated 18<sup>th</sup> August, 2021 they are of the opinion:

1. To elect
  - (a) Mr Roy David Burke as an ordinary member of the Planning Panel for a further term of six years from 1st October, 2021;
  - (b) Mr. Keith Charles Bell as an ordinary of the Planning Panel for a further term of six years from 1<sup>st</sup> October 2021; and
  - (c) Mr Raymond Thomas Le Poidevin as an ordinary of the Planning Panel for a further term of six years from 1<sup>st</sup> October 2021.

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 – THE ELECTION OF THREE NEW ORDINARY MEMBERS

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

18<sup>th</sup> August, 2021

Dear Sir

#### 1. Executive Summary

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

- a) Roy David Burke
- b) Keith Charles Bell
- c) Raymond Thomas Le Poidevin

each as an ordinary member of the Planning Panel (“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 must be made by the States upon the 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>,
- (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.

2.3 Mr John Weir, who was first elected to the Planning Panel in April 2009, advised the Committee of his intention to retire as an ordinary member on 31<sup>st</sup> July 2021. The Committee wishes to record its thanks to Mr Weir for his service on the Panel and notes that his professional experience as a Chartered Surveyor was invaluable to the other members, especially as he was always quick to identify any errors or inaccuracies in the plans prepared in support of planning applications.

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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 April 2021. The advertisement was placed in partnership with the Policy & Resources Committee which was seeking to appoint new members to the Tax on Real Property Appeal Tribunal and the States of Alderney which was seeking to appoint members to the newly established Alderney Property Tax Appeals Tribunal.
- 2.5 The advertisement attracted a several candidates and as each demonstrated the key criteria and understanding for this role, the three candidates who expressed an interest in appointment to the Panel were interviewed. Appendix 1 sets out the key criteria the candidates were scored against.

### **3. Election of Planning Panel Members**

- 3.1 Following the interviews, the Committee agreed to recommend the States of Deliberation agree to elect:

- Mr Roy Burke;
- Mr Keith Bell; and
- Mr Raymond Le Poidevin

as ordinary members of the Panel with effect from 1<sup>st</sup> October 2021 for a six-year period.

- 3.2 Mr Roy Burke is an Alderney resident. He returned to Alderney after retiring in 2018 as the Chief Secretary for the St Helena Government. He is a member of the independent Complaints Panel under the Administrative Decisions (Review) (Guernsey) Law, 1986 and an independent member of the Review Board. He originally moved to Alderney in 2010 to take up the appointment as Chief Executive to the States of Alderney. He held this post until May 2014 when he moved to St Helena. Prior to moving to Alderney, Mr Burke had held a number of senior appointments within the UK Civil Service including Chief Executive at the Department for Transport and Chief Executive for the Criminal Injuries Compensation Appeal Panel.
- 3.3 Mr Keith Bell is Guernsey resident and is a retired English solicitor and company secretary. He retired from Babbé LLP as a Senior Associate Solicitor in November 2019 and had specialised in company, corporate and commercial law. Mr Bell is also a member of the Housing Appeals Tribunal and the Senior Lawyers' Panel of La Chambre de Discipline. Prior to moving to Guernsey in 2006, Mr Bell held a number of senior posts in private companies in the UK.
- 3.4 Mr Le Poidevin is a Guernsey resident and in March 2021 retired as Secretary to the Castel Constables having held this post from November 2012. He had previously been the Secretary to the St Peter Port Constables for 10 years. Prior

to 2001, Mr Le Poidevin had served as a police officer in the Guernsey Police Force: he held various uniformed and plain clothes roles and was the Force's training sergeant when he retired in 2001.

- 3.5 The key criteria for Panel members are set out in Appendix 1 to this policy letter and summary CVs for the three proposed new members are set out in Appendix 2.

#### **4 Compliance with Rule 4**

- 4.1 Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, motions laid before the States.

- 4.2 The Propositions are in accordance with Rule 4(1).

- (a) The Propositions contribute to the States' objectives and policy plans in that the appointment of new members to the Planning Panel will ensure that it has sufficient members to properly discharge its duties in determining planning appeals impartially, fairly and in a timely manner;
- (b) The statutory duty for appointing members to the Planning Panel rests with the Committee. However, it has consulted with the Panel's Chairman and Vice Chairman during the recruitment process;
- (c) The Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications; and
- (d) There are no financial implications to the States associated with the proposed appointments as the Committee's budget already includes provision for the payments to members of the Planning Panel.

- 4.3 In accordance with Rule 4(2), the Propositions relate to the duties of the Committee *for the* Environment & Infrastructure in respect of land use and planning, and its duties under the Land Planning and Development (Guernsey) Law, 2005, as amended and have the unanimous support of the Committee.

- 4.4 In accordance with Rule 4(3), the Committee's preferred date when this item should be considered by the States is at the meeting commencing on 28<sup>th</sup> September 2021, the reason being to ensure that the Planning Panel has sufficient members to discharge its statutory duties in determining planning appeals.

Yours faithfully

H L de Sausmarez  
President

S P Haskins  
Vice-President

A Cameron

S Fairclough

A Gabriel

## 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.

## **APPENDIX 2**

### **Summary Curriculum Vitae for Mr Roy David Burke**

Mr Roy Burke is an Alderney resident and prior to retiring in 2018 he was Chief Secretary for the St Helena Government.

Mr Burke moved to Alderney in 2010 to take up the appointment as Chief Executive to the States of Alderney. He held this post until May 2014 when he moved to St Helena.

Prior to moving to Alderney, Mr Burke had held a number of senior appointments within the UK Civil Service including Chief Executive at the Department for Transport and Chief Executive for the Criminal Injuries Compensation Appeal Panel.

### **Summary Curriculum Vita for Mr Keith Bell**

Mr Bell is an experienced company/commercial/corporate and employment lawyer. He has over 30 years' experience in senior company secretarial/legal roles and prior to moving to Guernsey in May 2006 was in-house legal counsel for a leading private equity company in the City of London. He was until recently a senior associate in the corporate department in Babbé LLP and is currently working with them on a part-time consultancy basis.

Mr Bell is a Solicitor of the Supreme Court of England and Wales, a Chartered Secretary/Corporate Governance Professional, a Trust and Estate Practitioner and an accredited mediator with the Chartered Institute of Arbitrators.

Mr Bell is a member of the Housing Appeals Tribunal and the Senior Lawyers' Panel of La Chambre de Discipline

### **Summary Curriculum Vita for Mr Raymond Le Poidevin**

Recently retired, Mr Le Poidevin has over 45 years of public sector experience. Locally educated, he initially served for 26 years in various roles within the Guernsey Police Service, latterly as Training Sergeant, until his retirement in September 2001.

He continued his career working in Public Administration at management level with the Douzaines of both the St Peter Port and Castel parishes, during which time he was primarily responsible for the administration of Parochial Taxation and the development and maintenance of parish property. He is also a member of the Castel Parochial Church Property Management Board.