

## Report to the States – BDCC Membership.

It is with regret that I inform the States of the resignation from the Building and Development Control Committee of Mr Steve Roberts.

I would like to thank Mr. Roberts for his 4 years of service on the Committee, a difficult and at times stressful position that I know he has undertaken at times in trying personal circumstances.

However, his resignation leaves the Committee with a membership of only 3 members the bare minimum of a quorum.

At the start of the year as Chairman I struggled to find States members willing to serve on BDCC.

This was for variety of reasons, but many of the concerns centred on potential conflict of interest in passing judgement on planning applications and general workload of the members.

This is an issue that is a fundamental problem in a small jurisdiction where States members are required to cover multiple roles that are sometimes in conflict with each other.

The States protocol of the Policy and Finance and General Services Committees effectively seeking planning permission from another States body, place States members who serve on multiple committees in the position of promoting development on one hand whilst having to regulate it on the other.

This fundamental issue can only undermine the integrity the planning system which should be an independent, apolitical quasi-judicial function of government.

After discussion with the President and the remaining members of the BDCC, the committee have decided that the best way forward would be to co-opt non states members onto the BDCC.

Under the government of Alderney law the States have the power to be able to elect persons who are not members of the States to States Committees, (other than the Policy and Finance Committee), subject to the majority of the committee being States members, (Section 49 subsections 1 and 5).

Co-opting non states members would solve a number of issues.

1. It will allow the Committee to expand its membership to deal with possible issues of quorum.
2. It will allow States members to recuse themselves from assessing proposals brought forward by other States committees on which they sit.
3. It will allow the Committee to appoint individuals with knowledge that will assist the Committee in making better decisions.

This last point is very important. Members may not be aware that Mr John Young is due to retire from his full time employment as senior planner at the end of June. I would like to take this opportunity to thank Mr Young for all his hard work over the last 2 years. Without him it would have been impossible for the fundamental reforms of the planning system recommended by the ARUP report to have been undertaken. However I am glad to say that Mr Young has agreed to make himself available to the States on a continuing advisory basis. He will be working remotely on the law changes until the Land use plan process is completed at the end of the year. In particular he plans to

be present in Alderney throughout the Planning Inquiry and available to BDCC and the States for meetings.

However, I think it is clear, for the duration of this States, that co-opting additional expertise in planning would of considerable value to the Committee, due the workload of the Land Use Plan review and the implementation of the remaining legal reforms that need to be undertaken in relation to a new appeal process and the formation of supplementary planning guidance.

However, there is no process defined either within the law or under rules of procedure on how such appointments should be made.

The BDCC have therefore decided to go forward in the following way.

The committee members have drawn up a list attributes that they believe would be of value to the committee which include planning, mediation and legal experience.

It is clear in the minds of the Committee members that just co-opting more lay persons would not be beneficial. The States members constitute the lay persons. Expanding the knowledge base of the committee is what is required to achieve better planning decisions.

Using these criteria, the committee will identify a number of individuals for the Chief Executive to assess in terms of their suitability and then ask him to make approaches on behalf of the States to ask those persons that have been identified if they wish to serve on the BDCC.

If more than 2 individuals can be identified and are willing serve then the committee believe that it may be advantageous to create a panel of associate members that could be called upon to fill the 2 empty seats. However the legal validity of this panel approach will have to be established.

The committee will then bring the names of the proposed co-opted members to the States for ratification which would be for the period up to the end of the present States at which time a new committee would have to be formed.

The committee also believe that these associate members should receive a small honorarium to compensate them for their time.

If this approach proves successful then it may be a solution not just to the short term problem that the committee faces, but could significantly aide the States planning function in the future.

Matt Birmingham  
Chairman Building and Development Control