

Infrastructure Housing and Environment
Decision Making Protocol for the Regulation of the Government of Jersey Operations

21st January 2022

Scope

The Regulation group within IHE, covers the following service areas:

- Planning (development control)
- Building Control
- Agricultural Land Controls
- Environmental Health
- Driver and Vehicle Standards (DVS)
- Trading Standards and Consumer Protection
- Environmental Protection

The Operations and Transport group within IHE, covers the following regulatory service area:

- Highways Authority

Purpose of protocol

The Regulation Group and Highways and Transport team, by virtue of its function, regulate a number of areas of business and individual actions. These include the construction industry, land management, housing, land use, food premises, swimming pools and spas, operations on beaches, vehicle standards, water and waste disposal, and is the Highways Authority.

The wider IHE department includes many functions which carry out operations which are regulated by the Regulation group and Highways Authority. It is therefore necessary to put in place a decision making protocol to ensure that the correct ethical walls remain across the department, which allow the appropriate relationship between operator and regulator.

This maintains separation both within Government and also importantly shows this separation when dealing with third parties who become involved in such processes.

Management responsibility

The Regulation group is managed by the Group Director of Regulation. The Highways Authority is managed by the Group Director of Operations and Transport. These posts report to the Director General for Infrastructure Housing and Environment, and sit within a wider management team for IHE, which has the following directorates:

- Natural Environment,
- Property and Special Projects
- Operations and Transport
- Regulation

This protocol needs to be read in conjunction with the delegation agreements that operate for each Minister within the IHE portfolio. Those agreements delegate decision making powers from the Minister to the relevant officer structure.

In the most part, this is a straightforward delegation from Minister to Chief Officer (now Director General) down to Directors and other named posts.

In the case of Government of Jersey operations, it is not appropriate for the Director General IHE to direct decisions of the regulator where that regulation is of IHE operations.

Protocol statement

In instances where IHE are the operator/contractor/applicant/developer/owner of a process, site service or building which is regulated by other sections of IHE, the Director General will not direct the regulatory decision making processes affecting those process, sites and buildings. In this case the regulatory decisions will be taken directly by either the Group Director of Regulation, or the Group Director Operations and Transport.

This protects both the DG role, the operator and the regulator. It also allows the appropriate rights of appeal between operator and regulator, and avoids any perception of conflict.

Date signed 21st January 2022

Andrew Scate, Director General, Infrastructure Housing and Environment

cc.

William Peggie, Director – Natural Environment

Kelly Whitehead, Group Director Regulation

Ellen Littlechild, Group Director, Operations and Transport

Tim Daniels, Director of Property and Projects