

**Review Board**  
The Administrative  
Decisions (Review)  
(Guernsey) Law, 1986

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**Via email only**

23 November 2023

Dear Mr Collings and Mr Moriarty

**RE: Mr James Collings – A Request for an Administrative Review under the Administrative Decisions (Review) (Guernsey) Law, 1986 (“the Law”) against the Development & Planning Authority (“DPA”)**

Following the sitting on the 15 August 2023 when the Review Board enquired into the above complaint, the Review Board reported its findings to the Parties on 25 August 2023.

As a result of those findings, the Review Board requested the DPA to reconsider the matter under section 7(3) of the Law by 31 October. To assist in that reconsideration, the Review Board set out its expectations as follows:

- i. the investigation will be carried out by an independent and impartial senior person with no prior involvement with this complaint or perceived conflicts, who has sufficient power to investigate this complaint appropriately (including the ability to call for all relevant documentation and interview all relevant officers), and
- ii. the investigation will consider all relevant matters directly relating to the decision of the DPA regarding the issue of the CLU to Mr Collings in the period of 28 November 2019 to 11 February 2020, whether raised in the original complaint, or subsequently presented in correspondence or at the

Review Board's sitting on 15 August 2023.

In accordance with the request for reconsideration, the Review Board and Mr Collings received a copy of the report of that reconsideration of the complaint on 31 October 2023 ("the Report"). Mr Collings subsequently wrote to the Review Board on 6 November 2023 and 9 November 2023.

The statutory test for referral to the States of Deliberation is set out in section 7(5) of the Law:

"(5) Where a Board, having requested reconsideration by the Committee, or person concerned, is of the opinion that the findings of the Board have been insufficiently considered or implemented, it shall refer the matter to the States."

In order to decide whether its findings have been sufficiently considered or implemented, the Review Board:

- examined the Report and the subsequent correspondence from Mr Collings, and
- reviewed the expectations that it set out and analysed whether there was any other aspect of the Report which demonstrated that there had been insufficient consideration or implementation of its findings.

Having carefully examined the Report and the subsequent correspondence from Mr Collings, the Review Board has decided:

- i. that **the investigation was carried out by an independent and impartial senior person** with no prior involvement with this complaint or perceived conflicts, who had sufficient power to investigate this complaint appropriately (including the ability to call for all relevant documentation and interview all relevant officers), and
- ii. that **the investigation did consider all relevant matters** directly relating to the decision of the DPA regarding the issue of the CLU to Mr Collings in the period of 28 November 2019 to 11 February 2020, whether raised in the original complaint, or subsequently presented in correspondence or at the Review Board's sitting on 15 August 2023.

In addition, the Review Board did not consider that any aspect of the Report demonstrated insufficient consideration or implementation of its findings.

The Review Board also noted that the report makes suggestions for improving a number of processes within the DPA and encourages the States of Guernsey to fully consider where improvements could be made. Having noted this, the Review Board did not view that the Report could be deemed insufficient in its approach.

Accordingly, the Review Board was not of the opinion that its findings have been insufficiently considered or implemented and therefore will not refer the matter to the States of Deliberation.

On that basis, this complaint has been fully considered in accordance with the Law and the matter is now closed.

Yours sincerely



**Chair**

Review Board

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