

# STATES OF JERSEY

## OFFICIAL REPORT

TUESDAY, 20th JULY 2021

<b>COMMUNICATIONS BY THE PRESIDING OFFICER.....</b>	<b>4</b>
<b>1.1 Welcome to Bishop Trevor Willmott.....</b>	<b>4</b>
<b>PUBLIC BUSINESS.....</b>	<b>4</b>
<b>2. Reduction of Lodging Period.....</b>	<b>4</b>
2.1 Deputy J.H. Young of St. Brelade (The Minister for the Environment): .....	4
2.1.1 Connétable M.K. Jackson of St. Brelade: .....	5
2.1.2 Deputy J.H. Young: .....	5
2.2 Deputy D. Johnson of St. Mary (Chair, Economic and International Affairs Scrutiny Panel): .....	7
2.2.1 Deputy K.F. Morel of St. Lawrence: .....	7
2.2.2 The Deputy of St. Mary: .....	7
2.3 Deputy K.C. Lewis of St. Saviour (The Minister for Infrastructure): .....	8
2.4 Connétable A.S. Crowcroft of St. Helier: .....	10
2.5 Deputy I. Gardiner: .....	11
2.6 Deputy R. Labey of St. Helier (The Minister for Housing and Communities): .....	12
2.7 Deputy M. Tadier of St. Brelade: .....	14
<b>3. Draft Public Health and Safety (Rented Dwellings) (Licensing) (Jersey) Regulations 202- (P.33/2021).....</b>	<b>15</b>
3.1 Deputy J.H. Young (The Minister for the Environment): .....	15
3.1.1 The Connétable of St. Brelade: .....	18
3.1.2 Senator S.Y. Mézec: .....	19
3.1.3 Deputy K.F. Morel: .....	21
3.1.4 Deputy J.A. Martin: .....	23
3.1.5 The Connétable of St. Helier: .....	23
3.1.6 Deputy R.J. Ward of St. Helier: .....	24
3.1.7 Deputy G.P. Southern: .....	26
3.1.8 Senator S.C. Ferguson: .....	26
3.1.9 Deputy J.H. Young: .....	27
<b>4. Allocation of the former States of Jersey Police Headquarters site to Rouge Bouillon School (P.43/2021).....</b>	<b>32</b>
4.1 Deputy I. Gardiner: .....	33
<b>4.2 Allocation of the former States of Jersey Police Headquarters site to Rouge Bouillon School (P.43/2021) - Amendment (P.43/2021 Amd.).....</b>	<b>34</b>
4.2.1 Deputy S.M. Wickenden (The Minister for Children and Education): .....	34

<b>4.3 Allocation of the former States of Jersey Police Headquarters site to Rouge Bouillon School (P.43/2021) - Amendment (P.43/2021 Amd.) - Amendment (P.43/2021 Amd.Amd.)</b> .....	<b>34</b>
4.3.1 Deputy I. Gardiner: .....	35
4.3.2 Deputy S.M. Wickenden:.....	36
4.3.3 Deputy J.H. Young: .....	37
4.3.4 Senator S.C. Ferguson: .....	37
4.3.5 Connétable R.A. Buchanan of St. Ouen: .....	37
4.3.6 Deputy R.J. Ward: .....	38
4.3.7 Connétable S.A. Le Sueur-Rennard of St. Saviour: .....	39
4.3.8 Deputy R. Labey: .....	40
4.3.9 Deputy K.C. Lewis: .....	40
4.3.10 The Connétable of St. Helier:.....	41
4.3.11 Deputy H.C. Raymond of Trinity: .....	42
4.3.12 Deputy G.C. Guida of St. Lawrence: .....	42
4.3.13 Deputy J.M. Maçon of St. Saviour:.....	43
4.3.14 Connétable A. Jehan of St. John: .....	44
<b>LUNCHEON ADJOURNMENT</b> .....	<b>44</b>
4.3.15 Deputy I. Gardiner: .....	44
<b>4.4 Allocation of the former States of Jersey Police Headquarters site to Rouge Bouillon School (P.43/2021) - Amendment (P.43/2021 Amd.) - resumption - as amended</b> .....	<b>47</b>
4.4.1 Deputy I. Gardiner: .....	47
4.4.2 Deputy G.C. Guida: .....	47
4.4.3 Senator K.L. Moore: .....	47
4.4.4 The Connétable of St. Helier: .....	48
4.4.5 Senator S.C. Ferguson: .....	48
4.4.6 Deputy K.C. Lewis: .....	48
4.4.7 Deputy S.W. Wickenden: .....	48
<b>4.5. Allocation of the former States of Jersey Police Headquarters site to Rouge Bouillon School (P.43/2021) - resumption - as amended</b> .....	<b>51</b>
4.5.1 Deputy S.G. Luce of St. Martin: .....	51
4.5.2 Deputy M.R. Higgins of St. Helier: .....	51
4.5.3 Senator S.Y. Mézec: .....	52
4.5.4 Deputy G.C. Guida: .....	53
4.5.5 Deputy J.H. Young: .....	53
4.5.6 Deputy K.F. Morel:.....	54
4.5.7 Deputy M. Tadier:.....	55
4.5.8 Deputy S.W. Wickenden: .....	56
4.5.9 Deputy M.R. Le Hegarat of St. Helier: .....	57
4.5.10 Deputy R.J. Ward:.....	57
4.5.11 Deputy J.A. Martin:.....	58
4.5.12 Deputy I. Gardiner: .....	59
<b>5. Draft Taxation (Income Tax, Goods and Services Tax and Revenue Administration) (Amendment) (Jersey) Law 202- (P.51/2021)</b> .....	<b>62</b>
5.1 Deputy S.J. Pinel of St. Clement (The Minister for Treasury and Resources):.....	62
<b>6. Channel Islands Lottery: Allocation of Proceeds from 2020 (P.53/2021)</b> .....	<b>62</b>

6.1	Deputy K.F. Morel (Assistant Minister for Economic Development, Tourism, Sport and Culture - <i>rapporteur</i> ): .....	63
6.1.1	The Deputy of St. Mary: .....	64
6.1.2	Senator T.A. Vallois: .....	64
6.1.3	Deputy R.J. Ward: .....	64
6.1.4	Deputy K.F. Morel:.....	65
<b>7.</b>	<b>Draft Elections (Miscellaneous Amendments) (Jersey) Law 202- (P.56/2021) .....</b>	<b>66</b>
7.1	Deputy C.S. Alves of St. Helier (Chair, Privileges and Procedures Committee): .....	67
7.2	Deputy C.S. Alves: .....	74
7.2.1	Connétable D.W. Mezbourian of St. Lawrence:.....	74
7.2.2	Deputy C.S. Alves: .....	75
7.3	Deputy C.S. Alves: .....	77
7.4	Deputy C.S. Alves: .....	79
7.4.1	Deputy J.M. Maçon: .....	79
7.4.2	Deputy C.S. Alves: .....	79
7.5	Deputy C.S. Alves: .....	81
7.6	Deputy C.S. Alves: .....	82
7.6.1	Deputy J.A. Martin: .....	83
7.6.2	Deputy C.S. Alves: .....	83
7.7	Deputy C.S. Alves: .....	85
7.7.1	Deputy J.M. Maçon: .....	85
7.7.2	Deputy C.S. Alves: .....	85
7.8	Deputy C.S. Alves: .....	86
7.8.1	The Deputy of St. Martin:.....	87
7.8.2	Deputy J.M. Maçon: .....	87
7.8.3	Senator S. Y. Mézec: .....	87
7.8.4	The Connétable of St. Ouen:.....	88
7.8.5	Deputy M. Tadier:.....	88
7.8.6	Deputy C.S. Alves: .....	89
7.9	Deputy C.S. Alves: .....	90
7.9.1	Deputy L.B.E. Ash of St. Clement: .....	90
7.9.2	Senator S.W. Pallett: .....	90
7.9.3	Deputy J.A. Martin: .....	90
7.9.4	Deputy J.H. Young: .....	91
7.9.5	Deputy M. Tadier:.....	91
7.9.6	Deputy R. Labey: .....	91
7.9.7	Deputy C.S. Alves: .....	92
	<b>ADJOURNMENT.....</b>	<b>93</b>

[9:30]

**The Roll was called and the Dean led the Assembly in Prayer.**

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

**The Deputy Bailiff:**

### **1.1 Welcome to Bishop Trevor Willmott**

Before we resume Public Business I would like to welcome, albeit briefly, to the public gallery Bishop Willmott, recently retired Bishop of Dover, and his wife, Margaret, and Lady Dalton. Bishop Trevor will be known to some of you, maybe many of you. He served as Bishop of Basingstoke in the Diocese of Winchester from 2002 until 2009. and in 2010 moved to Canterbury to become Bishop of Dover. It was during this time in 2013 that he was asked to take on the episcopal oversight of the Channel Islands owing to the breakdown in the relationship between the Islands and the Bishop of Winchester. He not only facilitated the move to the Diocese of Canterbury, where for the next 7 years Jersey churches and their clergy received a warm welcome and a safe harbour. During this period he mediated on the Island's behalf in a wider conversation with the Church of England about their future status, leading to the Archbishop's commission in 2019. This process ended with the recommendation that the Deanery of Jersey should become part of the Diocese of Salisbury. Bishop Trevor retired as Bishop of Dover in 2019 but he remains Bishop of Jersey and Guernsey and the other Channel Islands, and accordingly for the first time in several centuries, possibly ever, we have a Bishop of the Islands looking after our interests until the legal transfer to Salisbury is complete. This will be the last formal visit of Bishop Trevor and Margaret to Jersey and we are grateful for his care and wisdom during a difficult period for the Anglican Church in Jersey and we thank him for his oversight. There will be a service at 6.00 p.m. this evening in the Town Church to mark his ministry, to which everyone is welcome. There has been some approbation in the chat, which is a virtual form of foot-stamping.

## **PUBLIC BUSINESS**

### **2. Reduction of Lodging Period**

**The Deputy Bailiff:**

We return to Public Business. The first item is to deal with the reduction of minimum lodging periods in respect of several matters listed on the Order Paper so that we know what we are and are not dealing with during the course of the remainder of this week. The first item is the Draft Public Health and Safety (Rented Dwellings) Licensing (Jersey) Regulations amendment lodged by the Minister for the Environment. Minister, do you wish to make the proposition under Standing Order 26(7) that the lodging period be reduced to allow this matter to be debated at this sitting?

#### **2.1 Deputy J.H. Young of St. Brelade (The Minister for the Environment):**

Yes, Sir, I do. Would you like me to do that now?

**The Deputy Bailiff:**

Yes.

**Deputy J.H. Young:**

I do not have to dwell on this. I think Members know the long history of this. We have a lot of business to clear during the remainder of this parliamentary term, and particularly 60 amendments in the Island Plan, carbon neutral and a whole amount of work. This particular matter has, I think, bogged us down rather. The majority recently approved a proposition from Deputy Ward, which the States have approved, and the amendment that I lodged gave effect to that and therefore it is a matter, I take the view, that this has already been discussed by the States and we should clear it out.

Whichever way it goes, I am asking Members please to debate it, let us get this matter one way or the other, whichever way the vote goes, finalised. To have it dragging around again until the autumn will cause a lot of unnecessary division. The matter is straightforward. It should be uncomplicated now. I know there are Members that just do not like the idea at all and there are other Members who are in favour of it. Of course I hope that the debate goes ahead and we get a very clear-cut debate without getting bogged down with a lot of complex technicalities, which frankly I do not think there is a need for. I am not going to say any more. We have got a lot of business. I am going to try and expedite and ask the Members to support taking it during this sitting.

**The Deputy Bailiff:**

Is the proposition seconded? **[Seconded]**

**2.1.1 Connétable M.K. Jackson of St. Brelade:**

I would just like to respond to the Minister by saying that rushing business is not good practice. There are several holes in the proposition, which I will be addressing later, but I think that given the history of this, as the Minister suggests, there is considerable application needed. While I do not object to the inclusion of the amendment in this sitting, I would council care in rushing things through the States.

**The Deputy Bailiff:**

Does any Member wish to speak on the proposition? I call upon the Minister to reply.

**2.1.2 Deputy J.H. Young:**

No, I do not think I do. It is for the Members to decide, as I have said. I would not intend to rush it and if there are concerns if we have the debate, which I hope we do, I will absolutely do my best, as I always do, to deal with them. Rushing is not my scene but I think we need to deal with it today.

**The Deputy Bailiff:**

In a moment the Greffier will add a vote into the chat channel of the meeting. The vote is now open and I ask Members to cast their votes.

**Deputy G.P. Southern of St. Helier:**

Could I have a clear instruction of what I am voting for or against?

**The Deputy Bailiff:**

Yes, of course. The proposal is to reduce the lodging period in respect of the Minister's amendment to the Draft Public Health and Safety (Rented Dwellings) Licensing (Jersey) Regulations, P.33. If you agree with the proposition that the lodging period should be reduced you vote pour, and if you disagree then you vote contre.

**Deputy G.P. Southern:**

Thank you, Sir, that is perfectly clear.

**The Deputy Bailiff:**

If all Members have had the opportunity to cast their votes I ask the Greffier to close the voting.

[9:45]

The proposition has been adopted.

<b>POUR: 36</b>		<b>CONTRE: 6</b>		<b>ABSTAIN: 0</b>
Senator J.A.N. Le Fondré		Senator L.J. Farnham		

Senator T.A. Vallois		Connétable of St. Brelade		
Senator K.L. Moore		Connétable of Grouville		
Senator S.W. Pallett		Deputy J.M. Maçon (S)		
Senator S.Y. Mézec		Deputy K.F. Morel (L)		
Connétable of St. Helier		Deputy M.R. Le Hegarat (H)		
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of St. John				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

Deputy I. Gardiner (H)			
------------------------	--	--	--

**The Deputy Greffier of the States:**

Those voting contre: the Connétable of Grouville, Deputy Le Hegarat, Senator Farnham, Deputy Morel, the Connétable of St. Brelade in the link.

**The Deputy Bailiff:**

The next item has been lodged by the Economic and International Affairs Scrutiny Panel, and is the amendment to Channel Islands Lottery: allocation of proceeds from 2020, P.53. Deputy of St. Mary, do you wish to make the proposition under Standing Order 26(7) that the lodging period be reduced to allow this matter to be debated at this sitting?

**2.2 Deputy D. Johnson of St. Mary (Chair, Economic and International Affairs Scrutiny Panel):**

Yes, please, I do. I should perhaps mention that the amendment was in fact lodged with the Greffier in time and it appears it was some administrative delay between that office and the Bailiff's office as to it being approved. I also add that Deputy Morel, as Assistant Minister to the appropriate department, has kindly agreed to accept the amendment, if the Assembly so allows it to go through.

**The Deputy Bailiff:**

Is the proposition seconded? [**Seconded**] Does any Member wish to speak on the proposition?

**2.2.1 Deputy K.F. Morel of St. Lawrence:**

I would like to thank the Scrutiny Panel for lodging the amendment. It was just to confirm, as the Deputy of St. Mary has said, that I will be happy for the proposition, when it comes to that time, to be read as amended, if the States are willing.

**The Deputy Bailiff:**

Does any other Member wish to speak on the proposition? If not, I call upon the Deputy to reply.

**2.2.2 The Deputy of St. Mary.**

I maintain the proposition and I thank the Assistant Minister for his support in this.

**The Deputy Bailiff:**

In a moment the Greffier will add a vote into the chat channel of this meeting. She has done so, the vote is now open and I ask Members to cast their votes. If all Members have had the opportunity of casting their votes I ask the Greffier to close the voting. The proposition to reduce the lodging period in relation to this matter has been adopted unanimously.

<b>POUR: 41</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				

Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The next item that has been lodged is by the Minister for Infrastructure and is an amendment to the Draft Single-Use Plastics, etc (Restrictions) (Jersey) Law, P.61. Minister, do you wish to make the proposition under Standing Order 26(7) that the lodging period be reduced to allow this matter to be debated at this sitting?

**2.3 Deputy K.C. Lewis of St. Saviour (The Minister for Infrastructure):**

Yes, please, I would be obliged. It should be expiring on 21st July so I would be obliged if Members would agree to bring that forward. It is all to do with the timings.

**The Deputy Bailiff:**

Is the proposition seconded? [**Seconded**] Does anyone wish to speak on the proposition? Does any Member object to us proceeding in relation to this particular matter on a standing vote?

**Deputy J.A. Martin of St. Helier:**

Yes, Sir.

**The Deputy Bailiff:**

In a moment the Greffier will add a vote into the chat channel of this meeting. The vote is now open and I ask Members to cast their votes. If all Members have had an opportunity of voting then I ask the Greffier to close the voting. The proposition has been adopted.

<b>POUR: 38</b>		<b>CONTRE: 3</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst		Senator K.L. Moore		
Senator L.J. Farnham		Connétable of St. Saviour		
Senator S.C Ferguson		Deputy M.R. Le Hegarat (H)		
Senator T.A. Vallois				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of St. John				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

**Deputy K.C. Lewis:**

I am obliged to Members.

**The Deputy Bailiff:**

The next item has been lodged by the Connétable of St. Helier and is the second amendment to the Draft Single-Use Plastics, etc (Restrictions) (Jersey) Law, P.61. Connétable, do you wish to make the proposition under Standing Order 26(7) that the lodging period be reduced to allow this matter to be debated at this sitting?

**2.4 Connétable A.S. Crowcroft of St. Helier:**

Yes, please, Sir.

**The Deputy Bailiff:**

Is the proposition seconded? [**Seconded**] Does any Member wish to speak on the proposition? In a moment the Greffier will add a vote into the chat channel of this meeting. The vote is now open and I ask Members to cast their votes. If all Members have had an opportunity of voting I ask the Greffier to close the voting. The proposition to reduce the lodging period has been adopted.

<b>POUR: 40</b>		<b>CONTRE: 2</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst		Connétable of St. Mary		
Senator L.J. Farnham		Deputy M.R. Le Hegarat (H)		
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				

Deputy of St. John			
Deputy S.M. Ahier (H)			
Deputy R.J. Ward (H)			
Deputy C.S. Alves (H)			
Deputy K.G. Pamplin (S)			
Deputy I. Gardiner (H)			

The next item lodged by the Minister for Housing and Communities ...

**Deputy I. Gardiner of St. Helier:**

Sir, it is Deputy Gardiner. I have lodged an amendment to the Constable's amendment yesterday and it has been added to this.

**The Deputy Bailiff:**

Yes, I am going to come to the 2 amendments which require not merely a reduction of the lodging period but also suspension of the Standing Orders under Standing Order 80 at the end of the list.

**Deputy I. Gardiner:**

I understand, I just think it was connected to the previous amendment, this is the reason. Okay, I understand, thank you.

**The Deputy Bailiff:**

In the context, Deputy Gardiner, because that will leave 2 matters left which are connected, because they relate to the Les Quennevais Park Flats loan scheme, it might be appropriate to deal with your matter now. This is one of the 2 matters not on the Order Paper, an amendment by Deputy Gardiner to the second amendment to P.61. Deputy Gardiner, do you wish to make the proposition firstly that Standing Orders be suspended under Standing Order 80 to allow this matter to be listed and to suspend Standing Order 32 so the matter may be listed, and that under Standing Order 26(7) the lodging period be reduced so the matter can be taken at this meeting? Is that your proposition?

**2.5 Deputy I. Gardiner:**

Yes, Sir, please. It was an amendment to the Constable's amendment and I need to move quickly to be able to debate it as a whole package.

**The Deputy Bailiff:**

Is the proposition seconded? [**Seconded**] Does any Member wish to speak on Deputy Gardiner's proposal? In a moment the Greffier will add a vote into the chat channel of this meeting. He has done so, the vote is now open and I ask Members to cast their vote. If all Members have had the opportunity of voting then I ask the Greffier to close the voting. The proposition has been adopted.

<b>POUR: 40</b>		<b>CONTRE: 2</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst		Deputy M.R. Le Hegarat (H)		
Senator L.J. Farnham		Deputy S.M. Ahier (H)		
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Saviour				

Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The next matter has been lodged by the Minister for Housing and Communities, the Les Quennevais Park Flats Loan Scheme - revised terms, and the amendment to that proposition. Minister, do you wish to make the proposition under Standing Order 26(7) that the lodging period be reduced to allow these matters to be debated at this sitting?

**2.6 Deputy R. Labey of St. Helier (The Minister for Housing and Communities):**

I do please, Sir. The States have in fact voted to approve this proposition twice already effectively. I have written to Members and spoken in the past about the time sensitivities here. It is very definitely in the public interest with residents and owners of these properties that we help to get this matter sorted out as quickly as possible. I hope Members will allow me to take this in this sitting.

**The Deputy Bailiff:**

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on this proposition? No Member wishes to speak then I invite the Greffier to put a vote into the chat channel of this meeting. The vote is now open and I ask Members to cast their votes.

[10:00]

If all Members have had the opportunity of casting their votes I ask the Greffier to close the voting. The proposition to reduce the lodging period in relation to this matter has been adopted.

<b>POUR: 40</b>	<b>CONTRE: 1</b>	<b>ABSTAIN: 0</b>
Senator I.J. Gorst	Deputy M.R. Le Hegarat (H)	
Senator L.J. Farnham		
Senator T.A. Vallois		
Senator K.L. Moore		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Lawrence		
Connétable of St. Saviour		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Mary		
Connétable of St. Martin		
Connétable of St. John		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy of St. Ouen		
Deputy R. Labey (H)		
Deputy S.M. Wickenden (H)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy J.H. Young (B)		
Deputy L.B.E. Ash (C)		
Deputy of St. Peter		
Deputy of Trinity		
Deputy of St. John		
Deputy S.M. Ahier (H)		
Deputy R.J. Ward (H)		
Deputy C.S. Alves (H)		
Deputy K.G. Pamplin (S)		
Deputy I. Gardiner (H)		

**The Greffier of the States:**

The vote contre was Deputy Le Hegarat.

**The Deputy Bailiff:**

The next item is a second amendment to P.71 lodged by Deputy Tadier. This item was not listed for this meeting so, Deputy, do you wish to first make the proposition under Standing Order 80 to suspend Standing Order 32 so that the matter can be debated at this meeting, and secondly, under Standing Order 26(7) to reduce the minimum lodging period in order it can be taken at this meeting?

**2.7 Deputy M. Tadier of St. Brelade:**

Yes, please, Sir.

**The Deputy Bailiff:**

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition?

**Deputy M. Tadier:**

Should I have explained why I am asking for that or do you think it is self-evident?

**The Deputy Bailiff:**

You have made the proposition, I do not think you have a chance to reply unless someone makes a speech.

**Deputy M. Tadier:**

You did not invite me to speak, that is all. That is okay.

**The Deputy Bailiff:**

In a moment, the Greffier will add a vote into the chat channel of the meeting. The vote is now open and I ask Members to cast their votes. If all Members have had an opportunity of casting their votes then I ask the Greffier to close the voting. The proposition has been adopted.

<b>POUR: 36</b>		<b>CONTRE: 1</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst		Deputy M.R. Le Hegarat (H)		
Senator L.J. Farnham				
Senator T.A. Vallois				
Senator S.W. Pallett				
Connétable of St. Helier				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				

Deputy of St. Martin				
Deputy of St. Ouen				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of St. John				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

### **3. Draft Public Health and Safety (Rented Dwellings) (Licensing) (Jersey) Regulations 202-(P.33/2021)**

#### **The Deputy Bailiff:**

Turning to the Order Paper the first item is the Draft Public Health and Safety (Rented Dwellings) (Licensing) (Jersey) Regulations, P.33, lodged by the Minister for the Environment. For the purpose of this debate the main respondent will be the chair of the Environment, Housing and Infrastructure Scrutiny Panel. May I ask the Greffier to read the citation.

#### **The Greffier of the States:**

Draft Public Health and Safety (Rented Dwellings) (Licensing) (Jersey) Regulations 202-. The States make these Regulations under Article 5 of the Public Health and Safety (Rented Dwellings) (Jersey) Law 2018.

#### **3.1 Deputy J.H. Young (The Minister for the Environment):**

Today I ask the Assembly to consider the Draft Public Health and Safety (Rented Dwellings) (Licensing) (Jersey) Regulations as amended. Can I just clarify? Was the proposition agreed as amended? I could propose that. Sorry, I missed that point.

#### **The Deputy Bailiff:**

No, it has not been agreed that you read the proposition as amended. The amendment will come when we get to the Articles.

#### **Deputy J.H. Young:**

Thank you for clearing that up. I apologise for that, it must be the temperature in this room. These draft regulations are enabled under the Public Health and Safety (Rented Dwellings) (Jersey) Law, which was 2018, which was approved by the Assembly in a previous life, as it were, before the current Council of Ministers, and they of course are put into practice through the Minimum Standards and Prescribed Hazards Order, which was approved in 2018 - that was after the elections - which sets out all the detail required and standards required by a rented dwelling. We have the law in place. The law is there and the standards expected. What these regulations - I think Members know them probably very well indeed - and if what we have on the table today is ... in effect, I have to say, in the amended form, they implement the decision taken on 8th June by the Assembly to adopt Deputy Ward's proposition P.20. In any event, it obviously sits with the original version. What the regulations do is implement a scheme of regulation and licensing, which I think effectively deals with

all of the objections and concerns that were raised previously in the earlier iterative version that was brought in and came forward before the Assembly in 2019, that just failed to secure a majority by quite a narrow vote I think. But nonetheless there were issues in that that Members identified that they wanted to see corrected. Those regulations on the table now deal with that. So the regulations as lodged - this is P.33 - approve a scheme with nil charge. Initially - I say "initially" - the regulations, this is what they would do, they implement the scheme with nil charge and they would provide for a grandfathering period for when after the law comes into effect, and the law will come into effect during next year. Obviously the amendment would have the details slightly varying that but nonetheless the law would not come into place until 2022. The amendment says March. There will be a grandfather period in order to allow properties that are already being rented out to be able to comply with the new law and be licensed without any fees during that grandfathering period. The regulations unamended propose a grandfathering period, which would last until the end of 2022, the amendment brings that forward slightly. Of course, just to remind you, that amendment was done at the States behest, as it were. But nonetheless the point of the principle is that the law is not introduced, does not have effect until 2022, so there is plenty of time for any preparation and adjustment that is necessary, and also there is a grandfather period. Of course the proposal, again the unamended version, would provide for that licence to be for 3 years. That means the people that are grandfathered, they would get licences and would not pay any fees for the first licensing period of 3 years. Of course the amendment, which I hope to be able to go on and deal with, makes that 5 years. So for 5 years, until 2027, those existing properties, landlords would not have to meet that cost. They would come into line with the scheme and that I think was what, I believe, the States wanted to happen. They did not want an overhead being imposed very early on. Of course the issue, is that the regulations are silent on the question of fees because the law, that is the substantive law, gives that power to the Minister. The amendment that was done gives effect to a way in which the States can influence that decision. I think the issue - I would see it as being a lot of issues - is this necessary? The advice I have had continually from the Environmental Health team is that there are still properties that are not meeting minimum standards. The unequivocal advice I have had is that in order to be able to achieve a higher level of compliance a licensing scheme of this nature will enable a much more effective implementation and compliance arrangement. I do not believe this is a big brother or in any way a threat to anybody because people have properties ... and maybe, Sir, I should have declared an interest as a landlord myself. I apologise, I should have done that at the outset. But I have a small property which I have let out, but I do not fear in any way that these regulations, nor do I believe anybody else, they have to listen to the professional standards. They do get complaints. What I have heard is that people that are experiencing problem properties are reluctant to come forward and make complaints about the problems they are having to deal with. I think some of those are very serious. For example, I have cited electrical installations, and in recent years, under new building regs, we have been able to have a better improvement in building bylaws and electrical standards are higher. But of course when people rent properties they do not have the ability to be able to alter, they have to take what they are, what systems there are in properties. There are a lot of very old properties with substandard systems and potentially dangerous. Having a system whereby they are subject to an inspection of safety is an important thing, and of course we cleared that up. Originally there was ambiguity about how often a certificate of electrical inspection would work for. We have now got it for 5 years. I do not think there is any worry about that. Five years is a very good period to have buildings checked out. Of course also the emissions from heating systems and the like where you have carbon monoxide possibilities. These things do go wrong. So annual checks on those things, which are part of a requirement. I do not believe there is anything to fear. So I have listened to that and I have accepted the advice that based on practice elsewhere, and it is not just in places in big cities in Britain that these schemes apply. No. They are in other places as well. I know that this has been widely considered elsewhere. The way I think this would go is that the period of grandfathering would enable us to know which properties we are dealing with, because at the moment it is a pot luck situation. In the Island Plan work one has only been able to estimate the number of

rental dwellings in the Island. Yes, we discussed this before in the issue of registration. I absolutely agree that there is a requirement for registration for lots of purposes way beyond the issue of minimum standard for residential dwellings. Because we need to know who owns those properties. What are they used for? Where are they? What is their ownership structure? There are money-laundering issues as well. There are the issues of we face choices about buy-to-lets and all those things. We desperately need to know, I believe as a Government and in terms of our strategic planning, about our property estate in the Island and what it is used for and how we can get better use of it.

[10:15]

Obviously that is the story for another day. We have already agreed that. So I am not denigrating the issue of registration but that does not deal with the issue of compliance with minimum standards. This is a very narrow and focused task. People have spoken about bureaucracy. We are talking about a small team. There has been a lot of fuss about costs, which I am not going to dwell on. That team, what has happened as a result of Government changes since Environmental Health came over, there have been adjustments. People have left, people have been reassigned to different roles and they developed a specialism in the area of housing. They have made very, very good work already, I know the Scrutiny Panel will probably comment on this, built with the voluntary schemes that have gone on so far. Rent Safe, which is well-understood, well-liked and does not cost any money and it has helped a lot of property agents and landlords to get that accreditation. However, that does not do the whole job. This is the ingredient that is necessary. I have probably gone on a bit too long. I had not intended to do that. I apologise. However, we need to clear this matter up now and leave this Assembly in the position where we have implemented a law, we have done our best to do it effectively, and we have allowed a sensible arrangement for transition. If there are adjustments necessary in 2022 after the next elections in the way the scheme works and so on that can all be done and taken at time. This time, however, it will be based on the knowledge that we know what properties there are, where they are, what they are being for, the size of them, the number of persons they are being used for occupation of, and so on. This is about the properties. It is not about landlords. There is no registration of landlords going on here. It is the registration of properties. Landlord registration is what happens in the U.K. (United Kingdom). This is not what is proposed. It is about property. We are going to have to have, obviously, the debate now on the principle and I hope we do get a chance to talk about the amendment if Members back the principle of this regulation. Thank you, I will do my best to answer questions.

**The Deputy Bailiff:**

Are the principles seconded? [**Seconded**] There are a number of declarations of interests in the chat, which I will now formally read into the record. I will assume that they are declarations of interest as a landlord, unless otherwise stated. Senator Le Fondré makes a declaration presumably as a landlord. Senator Gorst makes a declaration as a landlord. Senator Moore makes a declaration as a landlord. The Deputy of St. Martin makes a declaration as a landlord, as does the Deputy of St. Peter. Deputy Gardiner makes a declaration that her husband is a landlord. Deputy Truscott makes a declaration as a landlord. Senator Mézec declares that he is a tenant. Deputy of Trinity makes a declaration that he is a landlord. Deputy of Grouville declares that she is a landlord. The Connétable of Grouville makes a declaration as a landlord. Deputy Tadier makes a declaration that his fiancée is a landlord. Deputy Morel declares that he is a landlord. Deputy Guida declares that he is a landlord. Deputy Pinel declares that she is a landlord. The Connétable of St. Ouen declares that he is a landlord. The Connétable of St. Helier declares that his partner is a landlord. Deputy of St. Mary declares he is a landlord. Deputy Young has recently declared that he is a landlord. The Connétable of St. Mary declares he is a landlord. Deputy Martin declares she is a tenant. The Connétable of St. Peter declares that his daughter lives in a house owned by him. The next Member to speak is the Connétable of St. Brelade.

### **3.1.1 The Connétable of St. Brelade:**

I propose to incorporate the amendment in my speech rather than speak twice. The detail of the amendment is not great in terms of date changes and such like, so it does not make a fundamental difference. None of us consider the motivation behind the proposed regulations which would implement a scheme with nil charge requiring landlords to register or licence their properties for the purposes of renting and which will maintain a quality standard is anything but perfectly credible. To use a well-coined phrase, the devil is in the detail. The closeness of previous votes demonstrates the discomfort which many Members have with the proposal. The Minister makes much in his proposition about the difference between registration and licensing. Members need to understand that the proposed licensing scheme would prevent any property of any description being used as a rented dwelling unless licensed by his department. The department is responsible for enforcement, but we are regularly told by the Minister that under the present Government structure that he has insufficient staff. We are told that officers from the department will be carrying out proactive inspections over an extended period on various details of properties as part of the licence application. I would suggest that it is those properties, which are already let, the tenants will soon become tired of these intrusions. If they are not let it will simply create a delay in getting a potential rentable property on to the market. The Minister draws our attention to continued non-compliance with minimum standards in rented dwellings. This needs further analysis, in that it is very easy to conflate the effects of poor tenant behaviour such as failing to ventilate a property with mildew on walls, which is often attributed to the landlord. The requisite electrical tests, to which the Minister alluded earlier, are successful. Any reasonable landlord is certainly compliant on that level and would wish to be so. Much is made of the fear of eviction by those who may make complaints. There is no evidence of this occurring, maybe because there must be a degree of shared responsibility in any tenant-landlord relationship. It may be more about that relationship than the actual condition of the property. The Minister has offered what I would term sweeteners in the guise of long lead-in times not coming into force until 3rd June 2022, grandfather rights to encourage everyone to apply and 3-year licences. My panel has engaged with landlords who have been proactive in trying to come up with an equitable solution to ensure that rogue landlords are controlled to ensure minimum standards prevail in rented property. Subsequent to previous debates we have been proactive in trying to achieve a balanced solution. We request views and comments from both Jersey Landlords Association and the Jersey Tenants Forum to inform our comments. We received submissions from landlords on 21st May. We sent a follow-up email to the tenants' representative reiterating the importance of receiving their view to inform our comments and extended the time until 24th May. No comments were received until after the deadline. The Jersey Tenants Forum submitted comments on the panel's comments, but no evidence. Subsequent to P.20 being passed by the Assembly, the panel invited once again both the Jersey Landlords Association and the Jersey Tenants Forum to separately discuss their views. The panel met several members of the Jersey Landlords Association and the one member of the Jersey Tenants Forum, which it appears is just a Facebook page operated by one individual. It came to light that the Jersey Tenants Forum representative was content that he had consulted the Minister regarding the proposed licensing scheme. However, it was the view of the Jersey Landlords Association representatives that the Minister had been reluctant to meet. They conveyed that they welcomed the opportunity to enter into consultative processes with the Minister to come to a solution that may be acceptable to all stakeholders prior to the debate today. This has not happened. We wrote on 15th July requesting the Minister to delay the debate to allow further consultation with the Landlords Association, given that there were areas of P.20 which could be amended to find a middle ground and be acceptable to all parties. This was not agreed. The principle concern of the Jersey Landlords Association was that there was a lack of transparency over the form that the inspection regime would take, proposed licensing conditions were poorly sought out and that the cost benefit analysis had not been fully considered. Will licensing be the most effective ways of accomplishing the aims? If so, where will the cost of the scheme fall, on landlords and consequently

tenants or indeed on the taxpayer? There is evidence to suggest that a number of landlords are selling their rental properties to private families and leaving the rental market, thus resulting in a loss of rented dwellings, to the detriment of those people renting and unable to buy property. We understand this is a direct result of a threat of legislation such as a licensing scheme, which will ultimately make housing affordability issues worse not better. Now we come to the fees. I quote from page 3 of the proposition that: “These regulations, if approved, would implement a suitable licensing scheme with nil charge.” The Minister is a nice chap, if I may say so, but it has been, I might suggest, cute and suggestive on page 4 of the proposition that no fees will be applied on his watch. All will change, however, on 31st of December 2025 and I quote “unless the Minister decides to introduce a fee.” The suggestion that a fee be determined which is proportionate to the cost of licensing and equitable in regulating the activity is a form of words that concern me greatly. I am not a betting man, but there is a certainty that fees will be imposed. Those charges will be passed on by landlords to the ultimate detriment of the tenant. Anyone who thinks otherwise is being horribly naive. Article 3(5) confirms that. Yes, the Minister’s amendment obliges him to give the States 6 weeks’ notice, but the reality is it will be terribly easy for this to be slipped through in the mass of other business of the States. The quantum of those charges is not clear. The proposition inferred that there would be financial implications. The amendment goes further and is more transparent in that it suggests that the historic deficit of £1 million will need to be addressed. The future Minister will be able to consult on whether or not to charge it. I can confidently pick which way that will go. In summary, I would contend that Members would be very short-sighted in adopting this proposition as tabled today without being aware of the cost implication.

### **3.1.2 Senator S.Y. Mézec:**

I am very disappointed to have to follow the previous speaker, who has made quite a few points which are simply illegitimate and do not really match up with the facts situation we find ourselves in and continues to perpetuate the division that there is on this subject by claiming that it is down to not working together properly, not consulting properly, *et cetera*. When the reality is that there are people who just do not agree. That is it. It is not that the Minister has done a bad job. It is not that the Minister has not attempted to speak to the right people. It is not that what he has come up with is inequitable. It is just there are some people who perhaps perfectly legitimately do not agree. That is it and that is fine. That is democracy. However, we have had this debate in this Assembly. We debated the previous proposition from Deputy Ward and it was accepted. I hope that this Assembly will simply ratify that decision by implementing the regulations which this Assembly asked the Minister to go ahead and lodge, which is what he has done in lodging this with the amendment. I keep going back to the name of these regulations, which is that little bit in brackets which says “health and safety”. That is fundamentally what all this is about. It is about making sure that those who are in private rental and social rental tenancies are living in homes which are healthy and safe for them and that there is an effective regime underpinning it, which is not overbearing, which is not authoritarian, which is light touch and proportionate, just to make sure that those minimum standards which already exist in law are appropriately implemented in reality. So that we can have confidence that everybody who is living in a rental home is able to live their life happily with the security of knowing that their home is safe for them.

[10:30]

That as an aim is absolutely right. We really do risk going around in circles. This is the culmination of 3 years’ work. I am sorry to say to the previous speaker that this really has been done to death now. Different iterations have come up. There are some people who simply will never be pleased. The previous speaker said that there has not really been consultation with the Jersey Landlords Association. I am sorry, but I reject that. There, of course, has been extensive consultation with the Jersey Landlords Association in all sorts of different formats. I personally met with the head of J.L.A. (Jersey Landlords Association) when I was Minister for Housing. There have been multiple Scrutiny

reports into this. I personally attended 2 meetings. I know for a fact that more were held. I only attended the ones I was available for. I attended a big public meeting at the Town Hall, which was organised by the Jersey Landlords Association. We had the Minister and Environmental Health officers up on the platform with them, invited there to present to the members who were there present. I also attended workshops that were headed by the then head of Environmental Health, with any landlord who was invited to come along. That was an open event which they took feedback from and were able to answer questions. Can we not have this argument about there being no consultation on this, because it is just not reality? There certainly was consultation. I witnessed it. People were invited. People attended. There are simply a number of people who are aggrieved that at the end of that consultation the conclusion has been that points they were making have not been accepted. It is fair to be aggrieved, but it is not fair to say that there was no consultation. The point has to be made that the numbers of people who are opposed to this scheme are a very small minority. In fact, they are a minority within a minority. The number of landlords, as far as I can work out from available statistics in what the Jersey Landlords Association have said their membership numbers are, versus the number of landlords which have been revealed through a freedom of information request through declared rent income for tax, is that the J.L.A. represent about 3 per cent of landlords on the Island. Not only do not all of the J.L.A. member oppose these regulations, there are J.L.A. members who support this and say that this supports good landlords, that it will not affect those who are doing the right thing already in any shape or form at all, apart from having to fill out a form every 5 years and maybe make themselves available for 20 minutes while an inspector comes and checks the flat. Whereas for the other 4 years, 364 days of the year, it will not impact on them at all and they will not be paying a fee. Most of them are all right. Virtually all of the landlords I speak to, who are not members of the J.L.A., are wholeheartedly in support of this as well. The feedback that was presented to us by the previous speaker about a worry about landlords selling up their properties because they are annoyed about extra bureaucracy that is being applied to them once every 5 years simply does not match the reality. It is not the case that we are seeing a dearth of private rental accommodation accessible in the market because of this. The freedom of information request has shown that year on year for the past 5 years a number of people declaring as landlords has gone up, every single year. Can we please not accept this line coming from the J.L.A. that the number of landlords is going down? It is not. It may well be the case that their membership is going down, because on this instance they are not being reflective of the desire, certainly that I can witness, of most landlords out there. It is not the case that this is causing a mass exodus out of the market which is harming tenants. It is not the case. Of course, when you speak to tenants they are all wholeheartedly supportive of this scheme, because they know that it will have a positive impact on their lives, that it will make the rights that they currently have in theory rights that will be applicable in practice, and that they will be able to have the security of knowing those rights can be applied without any comeuppance back against them. The previous speaker spoke about trying to come up with some equitable solution. I think "equitable" was the word he used, or "a middle ground" was the other words he used. There is an equitable solution. There is a middle ground. It is this proposition. The alternatives simply do not do what our intention is to achieve with these with these regulations. I have read the document that has gone round from the J.L.A. proposing alternatives, where they say that tenants need to have a complaints mechanism where they cannot face revenge evictions afterwards. That is a nice idea, but how do you implement a system where you complain without facing a revenge eviction. There are only 2 ways really we can do that. One is to adopt open-ended tenancies. The States has already rejected that. Or it is to have a licensing scheme, where the inspections are proactive rather than reactive. Those are the only 2 ways to do it. It is no good to say let us strengthen tenants' rights, if you do not have a concrete proposal to achieve that. Without that what we end up doing is continuing to go around in circles year after year after year on this subject. The fact of the matter is that what the Minister for the Environment is proposing, after having been adopted by the States Assembly at a previous sitting, is that this proposal will make sure that those minimum standards are applicable in practice, can be enforced, where bad landlords can be prevented from renting properties out which

are unsafe for tenants to live in, and can be required to make the adjustments that they should already be making under the law but are getting away with it because we do not have the infrastructure to implement those rights. This gets done. The bureaucracy that comes with it is absolutely minimal. It is basically a form every 5 years and perhaps make yourself available for a little bit of time. When you are in business, which is what being a landlord is, when you are making money out of this - being a landlord is not a charity - it is a business where you make money out of it, I do not think that is a lot to ask for, especially when you compare it with what virtually every other business enterprise will have to do, where they will have to file accounts annually with the J.F.S.C. (Jersey Financial Services Commission), have their trading name registered and pay for that, go on the data protection register and pay for that, depending on what industry it is there may be industry fees they have to pay. If it is a restaurant or that sort of enterprise there are health and safety inspections which are compulsory and you have to pay the licensing fee and the inspections come much more frequently than what is proposed here. This is about light touch as it can possibly get. Those who are in business as landlords have a really good deal here, where if you are a decent landlord, doing the right thing, meeting all of those minimum standards, you are not even going to notice this regime exists. The ones who will notice it will be either the bad landlords, who will get in trouble as a result of this, and I say good riddance to them. Nobody should be standing up for those people. Or there will be some perfectly well-intentioned landlords who for honest and sincere reasons may be inadvertently falling short of what the minimum standards are right now and with an inspection will get free advice, somebody turning up and saying: "Oh by the way, you might not have noticed but there is a problem with X, Y and Z, you will just want to get that sorted." And the landlord will be able to resolve that, do not have to pay for the privilege of getting that advice in the first place and then will avoid any potential legal difficulties in future if there was a complaint or if something did go wrong and all the insurance problems that there would potentially be as well if they were in breach of the law and somebody got hurt. There are only positive effects of this for everyone except for the bad landlords, and those are not people we should be standing up for. I really hope that the Assembly will disregard the comments of the previous speaker, many of which can be demonstrated to not be accurate, and to ratify the decision that we made at a previous States sitting to implement these regulations, get this over the line, get it over and done with. If we do not this is just going to come back and back again, because the alternatives that are being proposed simply do not do what they need to do. We are at a point where it is just disagreement now. At some point the majority has to win. I hope the majority is in favour of these, because those who are arguing against it, I am afraid, do not have a decent alternative proposed and we are going to keep going around in circles and people suffer in the meantime. I urge Members to support regulations.

### **3.1.3 Deputy K.F. Morel:**

There is a well-known phrase, and please excuse the one word of poor language, and that phrase is: "The road to hell is paved with good intentions." It strikes me that, certainly after listening to Senator Mézec, there is no question that his intentions are good, where he leads us overall, not just in regard to this, may not be such a comfortable place for the Island. There is an issue in terms of the regulation; the constant wave after wave of regulation that this Island is bringing upon itself, that we are drowning in, is the constant increase in the size of Government that in order to enforce regulations in various areas, not just this one, has to obviously employ more and more people. As a result we have seen the constant increase in the size of the Government, in terms of its number of employees, which for 10 years was 13 per cent of the workforce, but that workforce was constantly growing and Government was growing too. Now it has gone beyond that and 14 per cent of the Island's workforce now works for the Government of Jersey. There is no question in my mind that this is yet again another wave of regulation that will break on our Island shores and will increase costs, not just for landlords, not just for tenants, it is increasing costs for our Government. How much are those costs? It is very simple, the costs of this scheme come to £1 million a year. That is how much the Government will be paying to satisfy the needs of these regulations. That is £1 million that is not

being spent elsewhere. As well as that £1 million, the Government have employed 6 people. There was a certain, if I may say, arrogance in the belief, and I saw this when I was on the Environment Scrutiny Panel, that these regulations would go through, therefore the department employed them in advance of the regulations going through. That is at the time when the very same department cannot employ enough planning enforcement inspectors. As a result, we know, and every single States Member knows, that planning breaches are taking place on a daily basis and are unable to be witnessed by officials and unable to be rectified by officials, because there are no officials or very few - there are 1½ currently - and we have seen nearly 300 outstanding cases and over 500 outstanding planning applications. This is a department which cannot afford to be diverting its attention from the obligations that it already has, but it will be. As a result, 6 people are going to be used in this licensing scheme, 6 people to police these new regulations, and they will spend £1 million doing so. There is no question in my mind, of course, the department will try and get out of that £1 million as quickly as possible and will pass on the costs to landlords and then on to tenants very quickly. I want to also address a few matters that were raised in a previous speech. It is interesting, I have no doubt that Senator Mézec is right that some members of the J.L.A., which I have no affiliation with, are indeed in favour of the licensing. I believe one of those people is a very, very close relative of Senator Mézec himself, which is probably why he knows that at least one member of the J.L.A. is in favour of licensing. Yes, relying on a close relative to make that call is an interesting place to be. With regard to consultation, we saw this when I was on the Environment Scrutiny Panel, we saw that the Minister was not consulting properly.

[10:45]

Indeed, I believe that after Deputy Ward's proposition, P.20, was debated the J.L.A. chair wrote to the Minister asking to meet him, to speak with him, to find a way forward to help design these regulations. That was denied by the Minister; a refusal to meet with them. I do not know why, but it is not something which could be called consultation. Senator Mézec also referred to a Town Hall meeting, one that indeed did take place in February 2020 and one that was called by the J.L.A. itself. It was not called by the department. The Minister was there. He spoke briefly. Then his officers spoke about licensing. I believe Senator Mézec was there, but did not stay for the questions. Following that, there was refusal consistently on the Minister's part to meet with the J.L.A. Again, the J.L.A. wanted to get to the bottom of this issue and find a mutually happy way forward. There is no question that consultation on this has not been done appropriately by the Minister. There has been a strange reticence by the Minister to get involved with stakeholders. In my view, speaking with stakeholders is the basis of being a Minister. That is the very thing that every Minister has to do. You have to hear the fors. You have to hear the againts. You have to try and find that middle way forward. However, that has not been happening in this case. I do not understand why. I just do not. This is empire building, I can promise you that; 6 inspectors will become 7, 8, 9, 10. There is no question. This is more regulation. There were other ways. We still do not understand why the Rent Safe scheme was not used as the basis of this scheme. So now we have a Rent Safe scheme and a licensing scheme. I still do not understand why a register was not more carefully thought of by the Minister. He just disregarded that out of hand. I believe that must be officers' advice; the very officers who are employing the 6 people to inspect this. Yes, there has not been proper consultation. This will cost the States £1 million a year at a time when we know that money is going to be extremely tight going forward. It just adds more layers of regulation. There is no question that people want safe housing for all Islanders. That is absolutely correct. We have the minimum standards legislation; that is in place. We can have some sort of inspection regime; there is no question. We can have a registration scheme; there is no question. Licensing, however, takes it to a new level of intrusion. Just one little thing I wanted to say, Senator Mézec referred to the J.L.A. as being 3 per cent of landlords. Getting involved in such conversations is ridiculous, because how many tenants out of the many thousands and thousands of tenants are represented by the Jersey Tenants Forum? You cannot start making arguments in that way. Always these forums have a small proportion of the

actual full amount of people involved. In the same way that political parties represent a very tiny proportion of the members of each political party. They number in their hundreds, yet there are 100,000 Islanders. It is very difficult for political parties, if they were to look purely at the numbers of their members to say that they represent everybody. There are a lot of strange arguments being put forward. I ask Members to think about the cost, the £1 million, think about the employment, the 6 people that will almost undoubtedly grow, the lack of consultation, the lack of engagement by the Minister in taking this forward, and the constant wave upon wave of regulation that has been breaking on the shores of this Island. They are good intentions, but Jersey cannot keep being pounded. One of the reasons for becoming such an expensive place to live is because we keep wrapping ourselves in knots or regulation.

#### **3.1.4 Deputy J.A. Martin:**

I speak as somebody who supported this absolutely 100 per cent when it first came to the Assembly. I have heard 3 speeches - Deputy Morel has covered a couple of points I wanted to - who I would say have represented the proposition as how they think it is and is actually not. That was from the Minister and Senator Mézec. The truth is somewhere in between. I was very concerned Senator Mézec talked about revenge evictions as if this was some sort of law. I know myself and Senator Vallois made this point in the very first passing of this law, there is nothing that protects tenants if a landlord thinks ... unless something has changed, and I want the Minister to clarify this absolutely. I want protection for tenants. I want them to live in decent accommodation. Then out of the woodwork, as Deputy Morel has just said, a minimum of £1 million to do this, then you can claw back with fees. We are somewhere in between. As I say, I have supported this before. I am now in the territory of where I am really not sure. Am I helping tenants? Am I really, really helping tenants on this Island? I have to be 100 per cent sure I do not make their case worse. I do not want to bring in a law where the landlord just presumes that they said: "Oh, I think I am living in substandard" and can evict them, *et cetera*. I will leave it there. The Minister needs to clear up some points about the money and the revenge evictions when he sums up on the principles.

#### **3.1.5 The Connétable of St. Helier:**

I find myself in a similar position to the Minister who has just spoken. Like all States Members I have been lobbied a great deal by landlords. I do have concerns on a number of areas which have perhaps not been covered by previous speakers. I remember many years ago hearing the Minister of Economic Development, as he was at the time, former Senator Maclean, standing up in the Assembly and saying that his mission as Minister would be to reduce red tape. I am sure he would probably be the first to say now if he was asked that that was a mission that he did not succeed in. Perhaps it was a mission impossible. We really are, as Deputy Morel has said, drowning in red tape and there is no sign of that getting any better today. I only have anecdotal evidence, but I do know some landlords who have several properties who are really quite despairing of the additional red tape that we are asking them to take on board. Some of them are considering leaving their properties empty, simply because the hassle and the headache of complying with each new wave of requirements is putting them off doing this business. That is not something we want to do at all. I noted in Senator Mézec's speech he used a slightly emotive example of unsafe electrical installations. The implication was that these might not be detected unless these regulations today go through. I am assuming that that is not the case, because we do have a Health and Safety Law. As a previous speaker said, we have regulations as far as rental properties are concerned, which do mean that these outrageous and frankly dangerous practises, rare as they are, will not be able to happen. They will be picked up under other provisions. A further point I wanted to make was that one of the most frequent calls I make upon this department, as Connétable and before that as Deputy, is from residents whose lives are being made absolutely miserable by the noise of their neighbours. It is surely something that we have complaints about every day, whether it is the neighbours leaving the dog barking or someone operating a semi-industrial business in their backyard which keeps the people awake. I have on most

occasions been disappointed by the response of the officers, in terms of enforcement, in terms of reducing those noise nuisances. People have to jump through enormous hoops to do anything about the antisocial noise of their neighbours. I am wondering why we are asking this same team to take on yet more work, when as far as I can see they are struggling to do the work that we have tasked them to do in terms of making, particularly urban areas, congested areas, high-density areas, places where people really want to live. I do have these queries and I look forward to hearing the Minister answering them when he sums up.

### **3.1.6 Deputy R.J. Ward of St. Helier:**

I apologise for any background noise. I have my window wide open and obviously that is a cue for everybody in the area to either build something or make their dog bark. So I do apologise in advance. I want to remind Members why we are here in this debate today. This Assembly voted in favour of bringing these amended regulations back to the Assembly, giving approval to the reworking and moving the situation forward when we voted on P.20 on 8th June. Again, we face an onslaught from the same voices who now will not accept the will of the Assembly and move forward. This Assembly has a terrible tendency of failing to make and act upon decisions. It has a vested interest around landlords, as shown by the declarations. They have been overcome once and we have moved forward. Members, however, will continue to intellectualise voting against this previously accepted proposition for, what I see, is a myriad of very confused reasons. I have made a note on some of them. Let us go through those. There was this ventilation argument. Absolute nonsense, it is one of the red herrings when it comes to housing. It is because we are unregulated that tenants have to put up with this. Then we get to the over-regulation argument, again a red herring. What increases the costs is an unregulated market that fails to protect tenants but consumes huge amounts of public money via subsidies through income support, either for the entire amount of rent or because people working full-time cannot afford the rents in these unsubsidised and unregulated homes. What is the outcome of this? Are we going to say we do not really need all these regulations, so let us forget the regulations around restaurants and cafés and bars and their health standards, because it is quite expensive to do something about those? We have to keep inspecting them and they have to keep going through a load of red tape. “In the end, they will probably be okay. They are self-regulating. It is fine.” We know that is not the case. What about our public buildings? Are we just going to leave them and say: “Oh, it does not matter if they are safe or not. It is okay. If you come in and if you trip over a step or if there is no disability access, that is absolutely fine. It is fine, because we want to stop the red tape.” This is an intellectualising of a mistake. I really want people to look at what they are saying here. It is very interesting the clamour to limit any regulation is when it comes to landlords. The new posts in the target operating model around this area were created in the target operating model to maintain the housing standards for the regulations that were already voted for, the laws of the Rental Dwellings Act. Shall we just drop those regulations and say it really does not matter about what standards you rent your accommodation in. In fact, we should have a more Edwardian approach and say: “You should be pleased that you have somewhere to go and keep your head dry.” Is that what we are saying in this Assembly? We need to think very carefully about the genuine implications of what we are saying here. This notion of the refusal to meet the J.L.A., they have direct influence in Government through their political representative, who is an Assistant Chief Minister and indeed a member of the current new party of Government. There is lobbying that goes on continuously in the Council of Ministers, continuously in Government on behalf of landlords. The Landlords Association represents 3 per cent of a group. These arguments to say that people are not being represented, you are absolutely right, that is not representative. The relationship between the tenant and the landlord is not one of equality. The power is with the landlord who owns the place that that person lives and can at any time give 3 months’ notice to move out. It is very difficult for tenants to organise and get themselves into a group, given that many of them are working full-time, all the hours under the sun, to give 30, 40, 50, 60 per cent of their wage to a landlord. These are not arguments that stand up to any real scrutiny as to their validity. They are smokescreens for one

simple thing, which is that some people simply do not want to regulate housing, because it will mean that people have to declare what they are renting out. We spend millions of pounds on comms, but we are now saying £1 million, which is the deficit for that department to do what it needs to do, including public health standards.

[11:00]

We desperately need to maintain public health standards, as we have seen through the pandemic, people living in tiny inappropriate homes. However, we are learning nothing from it. Every time we talk about building back debt, or whatever phrase will be used, as soon as we come to this move forward in the licensing of landlords, so that we can know that we are maintaining standards, we step away from it again and we come up with these old redundant arguments that are simply not relevant to what we are doing. The Constable of St. Helier talking about people leaving their properties empty, another strawman argument. Why on earth would somebody who has somewhere leave it empty for the sake of a form that needs to be filled in if they are reaching a standard and then throw £1,000, £1,500, £2,000, £2,500, £3,000 a month? That is the reality of the income from those properties, those homes, that will be somebody's home, and that they will pay through the nose for. I simply do not believe there is any evidence for that at all. In fact, when Senator Mézec made the point about the F.O.I. (Freedom of Information) that says there are more landlords every year. Are we going to ignore real data from a freedom of information request and go with anecdotal data when it suits us? That is what we seem to be doing, again, in this argument, simply putting a barrier in front of something we have already voted for and give people the opportunity to go away and say: "Well, I know why I voted against it this time, because there were reasons given to me." Look at those reasons. This is the worst part of this Assembly and it keeps happening. This notion of noisy neighbours, we have rules around noisy neighbours; implement them. If the Constable is saying: "Oh, just get on with that and do not regulate everything", what is he saying to his parishioners, the concentrated number of parishioners in St. Helier? I hope that the Constable of St. Helier is not saying this to his parishioners: "Look, just deal with the housing that you have. Do not expect it to be regulated. Let us just hope for the best. If you are in poor quality housing, make a complaint. If you are worried about being moved out, well that is your own fault, you are on your own." That is not what I would want for somebody who represents me in this Assembly. I was wondering whether to just repeat the speech on 8th June, but I may have to talk about that should we get to the amendment. I remind Members of the following, since taking over the inspection of lodging houses, for example, places that we do know about, just a couple of years ago, Environmental Health served 179 notices for failure to meet minimum standards, despite being hampered by COVID-19 restrictions. They have unearthed many examples of landlords ripping off their tenants by overcharging for electricity and water. That is a very important point, when they are given the power to do it, they drive an improvement in standards. This licence is for 5 years. This is a long-term process of improving standards. However, unless we start, it will not happen. We need to make a start. The notion from the Constable of St. Brelade that this is too quick; we have spent years discussing this. I do not know what iteration of this regulation we are talking about now. It is certainly not quick. For those people living in poor-standard accommodation it is certainly not quick enough. I make a couple of other points. Any Minister can impose fees at any time. This proposition means that they have to come to the Assembly to do so. The 6-week part of the amendment, I will just talk to that briefly, is to make sure that there is a lodging period for those changes that have to come to the Assembly. Please read it carefully and look at the implications of that. A Minister can change anything they want at any time, but they have to come to the Assembly. They could make G.S.T. (goods and services tax) 50 per cent. They could make tax 0 per cent for everybody and just write off public services and have that nature in tooth and claw. I hope I have not just stolen one of the Alliance Party's policies. They could do that at any time. That is the way this Assembly works. There is nothing new here. If we oppose those charges in the Assembly with a majority, you will have the opportunity to oppose them. I remind Members that as they come for re-election, none of

us can be sure that we will be, so you may not be here to have any influence in the future anyway. I really do not think that that, again, is an argument that stands up to scrutiny. Much of the documentation required and requested by the tenants when they take out a tenancy is encapsulated in a 2018 minimum standards law. In fact, the Jersey Tenants Forum, for the information that the Jersey Tenants Forum did give, which is a remarkable amount of information, recommend tenants to ask agents and landlords for the documents pertaining to boiler inspections, *et cetera*, to change the contract if it does not meet the 2018 legislation. You are asking individuals to do this and take this into their own hands. They should not have to be in that position. The Government of Jersey website already contains the information, as does the Citizens Advice website. Good landlords already meet these standards. There is no extra red tape for those who already meet legal required standards. The potential costs to the Government are not from this licensing scheme. It is about the knock-on effect and the implications of poor quality housing for vulnerable children and for vulnerable elderly and all sections of our community that have to be then dealt with and picked up by the Government. That is where the real costs come from. We have to start down the path of regulating and standardising the quality of accommodation that is so eye-wateringly expensive in Jersey. We cannot just leave this to this supposed, hope for the best approach and listen to these arguments, which are simply, again, putting a smokescreen in front of what we need to do. This Assembly is about making decisions. The reality is this: we have an unregulated housing sector. There are rules, but they are not enforced. To leave it to tenants is a mythology. They will not be able to take on their landlords in that way. Voting against this today means that you continue the acceptance of substandard housing, because that is just the way it is and you should not expect the Government to do anything about it. I do not believe that. I believe the Government has a role, a duty, a moral duty, to set standards of housing for its population and then enforce that with regulations. This is not an onerous expense. It is something that will improve housing standards over a long time, improve the lives of people over a long time, and improve the safety and the standard of living of members of our society over a long time. To me, it is a no-brainer, you vote for this because that is what we were elected to do, to put people on this Island first. All sections of our communities should be protected in the homes that they live in. That is not happening at the moment. I urge Members not to renege on a previous decision and not to step backwards again, but to make a step forward and show the people of Jersey that we have their interests at heart in this Assembly, not our self-interests at heart.

### **3.1.7 Deputy G.P. Southern:**

I will be brief, because I have heard some spectacularly ridiculous arguments. We have had the anti-red tape brigade and the drowning in regulation brigade out in force. Nothing about Jersey could be further from the truth. We have minimal standards across, certainly, the accommodation sector and we have had that for a long time. What I want to do is speak to those who were attracted by the red tape bandwagon and feel they could get on that and, at the same time, justify their position. I do not believe that is possible. I believe taking the ultimate step and saying: "I am going to vote against this proposition, despite the fact it has been twice through the Assembly and accepted twice." A vote against that would be a vote for unsafe accommodation. It would be a vote for unhealthy accommodation. Think about it. Do you wish to be seen to vote against this proposition and therefore allowing unhealthy and unsafe accommodation? If you are prepared to do that then by all means vote against this, but be prepared to justify it in a very short time. That is the decision you are making today. Please vote for this proposition and vote against unhealthy, unsafe accommodation.

### **3.1.8 Senator S.C. Ferguson:**

In response to this cry that we do not know what is being rented out, we have Parish rates and every single property in the Parish is registered and if it is let out then is an occupiers and fonciers rate. Yes, it can on occasion make sense to leave property empty, where the increase in the capital value is higher than the total rental. Including the utility costs, what about the cost of servicing equipment, *et cetera*, decorating, gardening, *et cetera*, surely the landlord is entitled to claim that expense. When

I was living in New York, we had flats where the rent was controlled and not allowed to be increased. The problem was that when the control was released rents of the controlled flats skyrocketed; an interesting economic phenomenon. We need a rental tribunal, certainly, where tenants concerned about rental levels, health concerns and mould, *et cetera*, can appeal. However, it should be open to both tenants and landlords, so that on the one hands of the tenants, we can prevent Rachman-type operations and the landlords can cope with unruly tenants. We have to remember that the States are the market-leader landlord. We told Andrew Green this years back. Unfortunately, the tenants will also feel their rent will be reduced. Environmental Health and Safety, regrettably, do sometimes overestimate the work that is required and which, as Deputy Morel said, the cost of which will eventually fall on the tenant. One must also remember the comment made in the 1900s, 120 years ago, it is a further infringement of human rights: “When a new source of taxation is found, it never means in practice that the old source is abandoned. It merely means that the politicians have 2 ways of milking the taxpayer where they only had one before.” I am sorry, I really cannot go along with this amendment, so I shall be voting against all of it.

**The Deputy Bailiff:**

Thank you, Senator. Does any other Member wish to speak on the principles? I call upon the Minister to reply.

**3.1.9 Deputy J.H. Young:**

I apologise. I have a fan on. If it making too much noise, I will turn it off. First of all, I thank the Members who have spoken. The key points have come out in the debate. My starting point is to say throughout my working life I have been used to many, many years having to deal with difficult problems where there are strongly opposing and differing views. Sometimes, in fact, thankfully, one is able to find compromises and pragmatic solutions. Over my working life, in my various roles, I have been able to do that where it is possible. I equally learned to recognise that on some occasions that is not so, that there will be situations that have sharply differences of opinion with what is irreconcilability, which is the case here.

[11:15]

There are valid views on both sides, equally having pluses and minuses and it ...

**The Deputy Bailiff:**

You have frozen, Minister. We have lost your picture.

**Deputy J.H. Young:**

It seems to be my system.

**The Deputy Bailiff:**

Right.

**Deputy J.H. Young:**

You would like me to turn my camera off?

**The Deputy Bailiff:**

Possibly, there might be a few things, yes.

**Deputy J.H. Young:**

Okay, I will do that, Sir. Yes, so throughout my working life I have covered the fact that there are situations that arise which are irreconcilable and, unfortunately, this is one. Certainly throughout the 3 years that I have been working on this I have certainly made attempts to find a situation where it is possible within the law that has been created, the law is quite clear. The law the States approved

gives an empowerment of a licensing system. Those that argue against that are, effectively, arguing against an existing law, a primary law, and that is something which I think is where the element of irreconcilability comes. Of course I had better declare I am not in any political party in Jersey. I have obviously got my political views but in Jersey I have not aligned myself within a group, I try and find ways of working in our old-fashioned system. Obviously now we are fast-changing that; I can already hear from the few speeches that we have had, very good speeches but, nonetheless, give perhaps a shade of things to come about small governments, regulation is bad, criticism of the public sector, workers who try and do their best to achieve things within the very, very limited resources they have got. Those are things which I personally try and not to get on board with. Obviously just picking at the detail now, the Constable of St. Brelade, again, thanks to the Connétable for his kind comments about me, and I would also agree the same with him. He is a nice chap and he and I work well together. But I really find that he is using the situation that he knows full well, as Deputy Morel did, about the problems that I have got on planning enforcement resources. We have a situation, which I think is partly COVID, very substantially due to the target operating model reorganisation, where we have a major disruption, losing key staff and we have got to deal with that. Of course, we have had to make priority decisions to do that but to use that as a reason why we should not have these regulations seems to be, frankly, a distortion. The team that Environmental Health have built up, they have been built up not by extra staff because they have lost staff. I.H.E. has lost staff, so, Deputy Morel, it is not true of that team; it has lost staff. What they have done is they have reallocated people around. But Environmental Health people are environmental-health qualified, they are trained, experienced. They are not planning enforcers. The idea that you can have some kind of generic red tape enforcer that can move from one area to another is illusory. That team needed to be built up because of the States commitment to environmental health, and I have seen the importance of the Environmental Health team over my time, and particularly during COVID where they have had enormous problems to deal with, and I will come to those when I get to the Constable of St. Helier's comments. There are real issues to do with nuisances and so on. I think it is wrong, making the leap, conflating the issue: "Well we cannot have regulations because we have got problems in other areas and, therefore, Environmental Health people, which are housing experts, can suddenly go and do other things." I think that is not a fair statement. I do agree with one thing, I think that there is a need to have further analysis of the problem properties. This is where, I believe, that if the regulations are approved we will get a lot of extra information. We will find out a lot more about our housing stock, about the condition of it, where it is and its uses, as I have said and that will help those kind of analyses in. Sweeteners, yes, I confess. I did meet the Jersey landlords, I sat on the platform at the meeting in the Town Hall when officers in Environmental Health gave a presentation. Incidentally, I am sure people may not have forgotten that the officer who was leading that presentation has been the stalwart of the COVID track and trace system and throughout. We owe that officer a great debt of gratitude. Any suggestion that somehow or other we did not respond, we were invited to go there and of course we had the presentation from the Assistant Chief Minister, who was leading the charge against regulation. Of course it became quite clear at that meeting that there were starkly disagreed views. I took away commitments from that meeting, commitments that I said I accepted that the scheme that was originally presented in 2019 was too complicated and needed to be stripped out, simplified. The conditions need to be drastically revised; they were. I uncomplicated that system. I gave a commitment that on my watch there would be no charges. What is the solution to get the costs they were complaining about? Cut it out, no fees. I am quite clear that I met the commitment and the undertakings I made to that meeting on that day way back before we had COVID; it seems like an age away now. Of course, yes, it is true, I have not been able to have physical meetings in the normal course of events; I would have done but here am I, 75 next month, double-vaccinated. Are we going to all meet in large gatherings? No, we are not, we cannot even meet as a group of States Members. I have been reticent about those physical meetings. I have always offered virtual meetings but consultation is not negotiation. The approach made to me by the Jersey landlord is that here is an alternative scheme, an alternative plan. In other words, we want to

talk with you about you doing an alternative. I did not think that was within the mandate of the law because I have explained the law says “licensing”, nor is it within the mandate of the States decisions that have been made. I have had to do what my duty is, is to bring this to the point where the highest authority in our Island community, the States Assembly, to make that decision and I am grateful for the opportunity today to be able to clear that up. I have dealt with the issue of reluctance to meet. Delay the debate; yes, I had that request. Could I just ask Members to reflect, to delay the debate? What for? I have had the Scrutiny report; I have done the reply. There is nothing in, in my opinion, the new Scrutiny comments that I have not addressed in my reply. I am reluctant to waste Members’ time by going through them but they have all been answered. The only point about a delay being requested is to have a round with unilateral discussions with the Jersey Landlords Association, people I respect, I absolutely respect their views. But they conflict with States decisions and they conflict with the law as passed. What I suggested is, is that we can adapt, we will learn from the implementation of these arrangements if the States approve them, and they can be refined and revised in the light of that knowledge, as the future years by a future Minister, which will not be me. A couple of things also mentioned: this notion - and I think it is scaremongering - landlords selling properties because of the licensing scheme. There may be some people that have their anxieties of poorer-conditioned properties, yes; but, equally, I think the trend is very much the other way. We are getting a constant growth of buy-to-lets, new properties coming on, and I think it is better. If that means there is a change in the nature of the market that is better, and I do not think there is any evidence. One of the quotes, when I have asked about this, I was told: “So many lodging houses were sold.” I am saying: “What is happening to those lodging houses?” They are going into proper flats, meeting proper standards. I say: why is that not good? Why is that not a good thing? If we have lodging houses in properties which are not meeting the - and that is with older properties generally, more difficult to adapt - why is it not good that they go into flats? More space, more amenities and better standards; what is wrong with that? Then the answer I got back from the Assistant Chief Minister: “Where are people with unregistered accommodation going to go if they cannot go in these substandard lodging houses?” Sorry, no, that says that we have to sort that part of the system out. Start with having, as I think speakers have said, step on the road towards those better standards. It is not going to come overnight; 5 years was a good change. The Scrutiny Panel always wanted 5 years; I have accepted that. The Scrutiny Panel always wanted low costs, they have got no costs. The Scrutiny Panel wanted simplification; they got that and the States have approved it, of course. Then of course what we have got, this situation: “Well we do not trust future Ministers because they may bring in fees.” I need to clear up so many distortions here. I inherited the situation where there was no financial budget for the salaries of Environmental Health whatsoever in the I.H.E. budget; that team have been a financial deficit from day one. Because assumptions were made by the previous Council of Ministers that fees of £1 million would be generated. That was their assumption; it was a corporate assumption imposed. Not all of that £1 million was made up of housing regulation costs. The figures I have given in the report - I just cannot find it at the moment - it is around about £625,000, I think is the actual housing inspection costs; that is the current costs that are occurring on that work and that will not increase. There will be no more new resources in that, as I have said all along. That was an assumption and, listen to this, restaurateurs and runners of pubs, we were going to then charge the rest, £300,000, to the restaurants. I say, when this was discussed across the Minister around the corporate star chamber in the meetings: “Are we really going to have fees imposed on restaurants, after everything they have gone through these last 2 or 3 years, for an inspection?” Perhaps we should say: “No, we do not have to have a health inspection at the restaurants anymore, it is not important; let food poisoning run.” Absolutely not. We have got a good system of regulation there for food standards. We need to do more as a result of the Brexit rules that we have now signed up to; things to do with food safety and allergies and things like that, which the work team are working on. But imposing fees, no. Those that say this £1 million liability, that cut should never have been made in the budget. There is a bid to put that back, which is in the Government Plan, and that would allow a new Minister to be absolutely uncluttered with any past

baggage on this question of costs and make a judgment as to say what is equitable. We have had lots more information about that. What is number one important here is the issue of standards and achieving those standards and progressive achieving them. I am probably going on for too long. I think thanks to Senator Mézec for all his comments. He reminded us very strongly about health and safety, and of course he is right. I believe this is a light touch and I know the team are saying ... do you know what, when I learned that the Environmental Health Department had been moved to the Environment Ministry I was so pleased.

[11:30]

This took place in the Deputy of St. Martin's reign, as it were, and I was very pleased that he took that on. When I took it on I was so proud because I thought that Environmental Health would be safer, and more likely to get priority for resources within the environmental sector than it was when in Health. I am not denigrating Health but if you are faced with a choice between keeping people alive and your health treatments and all the expectations and dealing with the environmental issues about the way they live, I am afraid the record is the priority will always go to clinical work of keeping people alive. Whereas I thought with Environment then there would be a more enlightened attitude recognising that in a small Island with a very packed, dense population, we all live on top of each other, and the environmental health issues are critical to our well-being of our community and this is part of it. I am really hopeful that Members will see that and, on that question, will try and get that budget restored. So that should take out this issue of this distortion cost. Any suggestion, sorry, Deputy Morel, £1 million this cost the scheme; no, it is not. Of course, when I look at Deputy Morel and I am delighted to have him as an Assistant Minister for Economic Development, Tourism, Sport and Culture and I look at their budget, eye-watering sums, eye-watering. I think to myself: where are the priorities? No, this is an area for the cuts. The notion that he said about arrogance of translating a States decision to have a law into practice was really not right. Planning breaches, things are serious, yes, and I am desperate to get that staff on the planning side. But diverting people away from Environmental Health, those 6 people when they are looking after environmental health for their community, is that the right thing? No, absolutely not. I have dealt with the issue, I think, of consultation, how I have tried to respond to people. Empire building; really? Rent Safe, look, that has been a success, it is carrying on but we simplified it. It used to be all very complicated before, that is simple now. It is a voluntary scheme and it is a promotion thing, a bit like food safe and things like that, based around those ideas, they work. The notion that this is an intrusion into life really I think is too much. Deputy Martin specifically; I thank Deputy Martin, I always value so much. I value all Members but Deputy Martin particularly because she so ably focuses on key points, clarity. Clarification of the £1 million. The position, as I believe it, is that there is a bid in the Government Plan to correct it, it was a mistake. The assumptions made by previous Governments were false. What I have here with the proposal is that there will be an implementation with no fees at day one and the no fees will mean that people who register under the grandfathering will not pay fees for 5 years. But of course it is open to a new Minister to introduce charges for new properties that come on because there will be a temporary gap. We do not know what that percentage is and my guess it might be around 10 per cent a year. But the new Minister then, in the light of the knowledge about the workload, the number of properties, they can then consider that matter. In the amendment I brought, bring that forward to the States before any decision to adjust those fees can be introduced. There is a safeguard there. Deputy Martin is worried, and if I thought that bringing this regulation would damage the opportunity for renting of homes in this Island I would not be supporting it, if I thought that. I am criticised because I rely on our civil servants but these are people who have spent their life in this area. Of course they know the experiences, they know the community, they are constantly in touch with people dealing with complaints all the time on a daily basis, so I have to run them and I think we do need to do that. Eviction; can you evict? I cannot believe that if problems are to arrive on a property over a licence, the team have assured me that there will be no heavy-handed here. Putting a property into a situation that it is not possible to be occupied by a tenant

anymore is a very, very last and extremist resort. In my view, almost certainly hardly ever happened. The procedures are there in the law to serve notices of things that need to be right and make corrections in time to get things done because it is difficult to get building work; we know that. I cannot see if we did have a situation with a heavy hand, this is a light touch. I am not an expert on this. I think what Deputy Martin is speaking about is this situation, which I have to accept at face value, that if people complain, some people at the moment can end up either having their leases not being extended or ended. I think the likelihood of that happening is reduced now under this arrangement. The Constable of St. Helier spoke about the big problems about in urban areas to do with noise nuisance. Yes, absolutely, Connétable, I get lots of complaints and the problem is the Environmental Health team do not have the law in place. They do not have the law to deal with ... the nuisances law, I have been advised, is not fit for purpose. It needs rewriting, needs a review desperately so. I have not got the resources. I have got bids in for the Government Plan for resources to do that development work in the future and I hope we do not end up in the same place - or at least the future Minister does not - that we get a new law in and then when we try to put it into place, then people then get cold feet, I suppose, is the honest truth of it. Deputy Ward, thank you for your support. I am probably running ... and Senator Ferguson. Senator Ferguson, please, this has nothing to do with rent tribunals. We are not regulating rent levels. We are having a system of licensing to check that properties are the minimum standards and that is all; it does not go beyond that, Senator. I think I have probably gone on too long and I put it to the Assembly and whatever the vote is, obviously all of us respect that and work within where we end up.

### **The Deputy Bailiff:**

Thank you, Minister. In a moment the Greffier will add a vote into the chat channel of the meeting. He has done so. The vote is now open and I ask Members to cast their votes on the principles. If all Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. In the link there are 20 votes pour and 21 votes contre. In the chat there was one vote pour, making a total of 22 votes pour and there were 2 votes contre in the chat, making a total of 23 votes contre in the chat and, accordingly, the principles have been rejected.

<b>POUR: 22</b>		<b>CONTRE: 23</b>		<b>ABSTAIN: 0</b>
Senator T.A. Vallois		Senator I.J. Gorst		
Senator S.W. Pallett		Senator L.J. Farnham		
Senator S.Y. Mézec		Senator S.C Ferguson		
Connétable of St. Helier		Senator J.A.N. Le Fondré		
Connétable of St. Lawrence		Senator K.L. Moore		
Connétable of St. Mary		Connétable of St. Saviour		
Connétable of St. Martin		Connétable of St. Brelade		
Connétable of St. John		Connétable of Grouville		
Deputy J.A. Martin (H)		Connétable of Trinity		
Deputy G.P. Southern (H)		Connétable of St. Ouen		
Deputy K.C. Lewis (S)		Deputy of Grouville		
Deputy M. Tadier (B)		Deputy J.M. Maçon (S)		
Deputy M.R. Higgins (H)		Deputy S.J. Pinel (C)		
Deputy of St. Ouen		Deputy of St. Martin		
Deputy R. Labey (H)		Deputy of St. Mary		
Deputy S.M. Wickenden (H)		Deputy G.J. Truscott (B)		
Deputy J.H. Young (B)		Deputy L.B.E. Ash (C)		
Deputy of St. John		Deputy K.F. Morel (L)		
Deputy R.J. Ward (H)		Deputy G.C.U. Guida (L)		
Deputy C.S. Alves (H)		Deputy of St. Peter		

Deputy K.G. Pamplin (S)		Deputy of Trinity		
Deputy I. Gardiner (H)		Deputy M.R. Le Hegarat (H)		
		Deputy S.M. Ahier (H)		

**Deputy J.H. Young:**

Sir, could I just have the score again, please, I did not quite catch that because I lost my screen?

**The Deputy Bailiff:**

Yes, a total of 22 votes pour, 21 in the link and one in the chat and a total of 23 votes contre, 21 on the link and 2 in the Chat. Was there a call for the ...

**Deputy R.J. Ward:**

Yes, Sir. Can we have all of the contre and all of the pour, please?

**The Greffier of the States:**

Those Members who voted pour: Deputy Labey, Deputy Young, Senator Vallois, Deputy Tadier, Deputy Wickenden, Deputy Higgins, Deputy Ward, the Constable of St. Helier, Senator Mézec, the Constable of St. John, Senator Pallett, Deputy Martin, Deputy Alves, the Constable of St. Lawrence, Deputy Pamplin, Deputy Gardiner, Deputy Southern, the Deputy of St. Ouen, the Constable of St. Martin, Deputy Lewis, the Deputy of St. John and in the chat the Constable of St. Mary. Those who voted contre were: the Constable of Grouville, Deputy Le Hegarat, Deputy Guida, the Constable of St. Ouen, Senator Farnham, the Constable of St. Brelade, Deputy Ahier, Deputy Pinel, Senator Le Fondré, Deputy Truscott, the Deputy of St. Peter, Senator Ferguson, Senator Gorst, the Deputy of St. Mary, the Deputy of St. Martin, the Connétable of Trinity, the Deputy of Trinity, Deputy Morel, Deputy Ash, the Deputy of Grouville, Deputy Maçon, as well as the Constable of St. Saviour and Senator Moore.

**The Deputy Bailiff:**

Accordingly, the proposition is taken to have been withdrawn under the relevant Standing Order.

**4. Allocation of the former States of Jersey Police Headquarters site to Rouge Bouillon School (P.43/2021)**

**The Deputy Bailiff:**

The next item is Allocation of the former States of Jersey Police Headquarters site to Rouge Bouillon School, lodged by Deputy Gardiner. For the purposes of this debate, the main responder is the Minister for Children and Education. I ask the Greffier to read the citation.

**The Greffier of the States:**

The States are asked to decide whether they are of opinion to agree that the former States of Jersey Police Headquarters site should be allocated for the expansion of Rouge Bouillon Primary School and for the provision of community spaces and to request the Council of Ministers to take the necessary steps, including the incorporation of this project within the Government Plan 2022-2025.

**The Deputy Bailiff:**

There is an amendment by the Minister for Children and Education and there is an amendment to that amendment from Deputy Gardiner. Minister for Children and Education, are you minded to accept the amendment to your amendment?

**Deputy S.M. Wickenden of St. Helier:**

Because of the late lodging period I have not had a chance to speak to the Council of Ministers to get an overall view. I believe the amendment to the amendment in that fact should not be accepted by me and we should have the debate to allow the proper democratic process to follow for the Council of Ministers and the rest of the Assembly.

**The Deputy Bailiff:**

Thank you. Yes, Deputy Gardiner.

**Deputy I. Gardiner:**

I understand that the Council of Ministers would not like to accept my amendment and, yes, we will start a conversation now and that democratic process to proceed.

**The Deputy Bailiff:**

Yes.

[11:45]

**4.1 Deputy I. Gardiner:**

In any negotiations there comes a time when you have to draw a line, when you have to make it clear how important something is to you. When the other side in the negotiation does not appreciate how important this particular issue is for you, you have to make it clear and this is where I am finding myself. When enough time has passed, enough promises have been made and broken, assurance has been false and no evidence of the other side taking the education infrastructural needs of the children of St. Helier seriously. Rouge Bouillon School has been in need of renovation and improvement for 30-odd years. In these 30 years past the Island politicians have repeatedly postponed making any solid commitments. The head teacher of Rouge Bouillon wrote to the Public Accounts Committee in 2020: “We have a fantastic staff and wonderful children and we do the very best we can with the circumstances we have. But surely it is not right that the children most in need of space to run about and play sport go to school with no playing field or green space. We have a specialist unit for children with autism and communication difficulties but not a single space for a parent to park in order to bring these highly needy children into school and enabling parents to meet staff. We are a school that burned down about 30 years ago.” There are people who are now grandparents who, while dropping off their grandchildren at Rouge Bouillon, could recognise the same lack of facilities, in fact they were not there. They would probably recognise the same promises and assurance of a better future for the state of the primary schools in St. Helier. For years St. Helier Deputies, and even the Constable, have come to the Assembly to ask for a better deal for St. Helier primary schools and have been assured, they had promised better schools sometime in the future. I call it this is the future we were talking about years ago. I found questions and responses dated to 2015 requesting to allocate the former police site to the school or to the fire station, recognising the need, promising a solution, recommending a cost of study and since then nothing. The outdoor space, lack of playing field and green areas limit the opportunities for the pupils to learn outdoors, to exercise, to be socialised and to play. The current state of the building in no way shows pupils they are valued. Already back in the 1980s research found the mainly correlation evidence to a relationship between a quality of school environment and student outcomes where those in poorer environments tend to have poorer attitudes and behaviours, as well as low attendance. It is clear that good school buildings were crucial and outside facilities are crucial for children’s learning and behaviour. There is an opportunity to improve the whole learning experience by the school by providing new updated facilities to assist in pupil development and attainment. There is, equally, an opportunity for the school to become a community hub, allowing additional extracurricular activities for pupils and family and the community at large. The school that will share resources with the community would benefit in this area of St. Helier, as there are currently limited options for pupils, staff, parents and family to congregate in a community serving way. Since lodging my proposition I have had meetings with several stakeholders, and this

was the reason that we have now 2 amendments in front of us today. My communication with the current Minister for Children and Education started almost months ago when I suggested to look strategically. The main debate will be between these 2 amendments and if the States is ready to make strategic decisions. I am moving this proposition and I will expand when I open a speech to my amendment.

**The Deputy Bailiff:**

Hello, we have lost you, Deputy Gardiner; that completes your speech. Is the proposition seconded? [Seconded]

#### **4.2 Allocation of the former States of Jersey Police Headquarters site to Rouge Bouillon School (P.43/2021) - Amendment (P.43/2021 Amd.)**

**The Deputy Bailiff:**

We now come to the amendment of the Minister and I ask the Greffier to read the amendment.

**The Greffier of the States:**

1 Page 2, paragraph (a) – After the word “spaces” insert the words “, unless an alternative site can be identified and allocated for the provision of a modern standard primary school in St. Helier” and, after the word “incorporation” substitute the word “the” with the word “this” and, after the word “project”, insert the word “funding”; 2 Page 2, paragraph (b) – Designate the existing paragraph as paragraph (a) and, after this paragraph, insert the following new paragraph – “(b) that no site in government ownership that is suitable for a modern standard primary school in St. Helier should be allocated for another purpose until the action envisaged in part (a) to identify a site and include project funding in the Government Plan 2022-25 has been completed.”

##### **4.2.1 Deputy S.M. Wickenden (The Minister for Children and Education):**

I would like to, first, thank Deputy Gardiner for bringing this proposition, this positive discussion. Unfortunately I was unable to support the original proposition, as it was an instruction. I had some very, very constructive conversations with Deputy Gardiner about this proposition, which I do support. I do think that we do need new schools within St. Helier and St. Saviour; let us talk about the town bowl. This proposition, as amended, working with Deputy Gardiner, whose idea it was to amend, will give surety that this site will be used for the school if we cannot find a better solution for the town centre. The only reason I have not taken the amendment to the amendment as amended is because I have not had a chance to speak to any other Ministers around it and I thought that would be unfair, but I do support it. I do believe that we need to make sure that we have got 2 new fit-for-purpose, modern, 2-form entry schools or maybe a 3-form entry but we need to do that work; that work is ongoing. I will be supporting the amendment to the amendment but I cannot force that decision on Council of Ministers’ Members. I think what I will say is this amendment will just give surety that this site will not be used for anything else while we continue doing work on what is required and where the need is for new schools in St. Helier.

**The Deputy Bailiff:**

Is the amendment seconded? [Seconded]

#### **4.3 Allocation of the former States of Jersey Police Headquarters site to Rouge Bouillon School (P.43/2021) - Amendment (P.43/2021 Amd.) - Amendment (P.43/2021 Amd.Amd.)**

**The Deputy Bailiff:**

Thank you. There is an amendment to the amendment lodged by Deputy Gardiner and I ask the Greffier to read that amendment.

**The Greffier of the States:**

1 Page 2, part 1 – After the word “alternative site” for the words “can be” substitute the word “is”. 2  
Page 2, part 2 – (a) Replace the word ‘government’ with the word ‘States’; (b) After the words “St. Helier” insert the words “and St. Saviour”; and (c) For all the words after the word “until”, substitute the words “the strategic review of the education estate of St. Helier and St. Saviour is completed, and sites are allocated and approved for modern standard primary schools according to the educational needs of these Parishes”.

#### **4.3.1 Deputy I. Gardiner:**

I am pleased to follow the Minister and I am pleased to hear that he will be supporting this amendment. Because this amendment to the amendment brings the vital element of strategic infrastructure thinking for the future. We have published an estate management strategy, which was never debated in the States Assembly. It does not give an overall clarity on how we will manage our strategic priorities. This is an opportunity for States Members to clarify the element of the strategic plan and show Members’ views and their own priorities for education or other infrastructure needs. Each Member has an opportunity to reveal if they buy into the putting children first government slogan or they are just hiding behind these words while having a completely different agenda. Part (a), it is a really minor amendment. I can see why we need the flexibility and we had a good discussion with the Minister. I have met ambulance and fire station and I am not completely convinced this is the only space where it can build. At the same time, I do recognise the need of the new fire and ambulance station. I have several question marks about the scope of the feasibility study but I will put it aside. It can be a flexibility, as long as this site, the Rouge Bouillon site is protected and if we will not find other suitable sites for primary schools in St. Helier, this site will not go. My amendment, it is unless is identified, so it is more the change of wording to be more certainty. The difference for use it comes to the part (b) only from the small Island. I cannot see that there will be any new discoveries in relation to any new sites for development as a result of the ongoing review of the education or any other estate. This is what we have, nothing new will come. We know that there are always competing priorities. A number of serious contenders on alternative sites of the primary schools in St. Helier and St. Saviour does really not pay. The criteria for such a site must include sufficient outdoor space and space for sport facilities, in addition to fit-for-purpose school buildings. A quick look at Google Maps and anyone can identify all the land that we have available. We have already a situation when in 2015 Deputy Doublet raised the question: would the former police site be allocated to a fire and ambulance station and is going into housing? We do need housing but the size of the site, if we would decide that time that we need a fire and ambulance station that could go on that site and we could have a new school at the current site and probably Janvrin and the Springfield School sites will be available for building. It will be a much better place but it was 6 years ago and nothing happened since that. We would have houses but we will not have a school where these children can go. Education sites that lack outdoor space, lack of sport facilities and have outdated buildings, schools such as Rouge Bouillon, Springfield and St. Luke’s, looking at the school estate in St. Helier highlighted also those schools that are on the boundaries of the Parishes, schools that we call an urban bowl in urban areas and used by St. Helier and St. Saviour and all of them need really a proper outdoor space and better facilities. This was the reason that I have included St. Saviour in the consideration for the strategic review, as it is between 2 of these Parishes in these areas. I do feel that it is really important to expand strategic provision for the education estate for St. Helier and St. Helier joined-up approach because we probably need 2 3-form entry north and south or 3-form entry schools or any other configuration. I will leave this configuration to the Government. Here in the States we are about to make a strategic decision and which direction we would like to go. The repurposing of the site of the former States of Jersey Police Headquarters at Rouge Bouillon has been the subject of the question, we have talked about it and we really need to move forward. We do not need to close streets or traffic to let St. Luke’s children play; they need to have a proper playground. As the Minister indicated in his report, the review of town primary schools estate is nearing completion. The importance of the outcome of this review cannot be understated and that this will

inform decision which needs to be made in respect of the ability of school extensions, new schools ... sorry?

**The Deputy Bailiff:**

Forgive me, no, please carry on, I am just talking to the Greffier.

**Deputy I. Gardiner:**

Yes, it is about the amendment. Basically what I am saying, the review is on the way. We have been told that the review will be ready in 4 to 6 weeks back in May. I calculate that we should see the review results in mid-June, now we are mid-July but I assume the review is coming out. The moment that we have this review we can make a strategic decision. Basically what this amendment does is draw a line. I say no location of any States-owned site in St. Helier or St. Saviour do anything else until we have sorted our primary schools estate.

[12:00]

If we do not have a site we have to decide what site can be purchased. I hope this will focus the Government on the task. To compound the problem of St. Helier is getting new family homes, hundreds of new family homes. We can expect hundreds of couples to start families in these new homes. The education infrastructure of St. Helier and St. Saviour is stuck in the past and completely unprepared for the next 10 years or so. St. Helier has a primary school educational underclass, geographical location has become an accurate predictor of the school facilities, child-reading abilities in school grades. We have an educational crisis in St. Helier and it is not a secret. Everything that I have stated is in the public domain. Everyone knows St. Helier is having an educational crisis to start in primary school and we need to do something now. Ensure the location of the site, secure the space that is necessary to deliver adequate facilities and bringing across concrete plans together for a modern educational estate for St. Helier and St. Saviour.

**The Deputy Bailiff:**

Thank you, Deputy. Is the amendment to the amendment seconded? **[Seconded]**

**4.3.2 Deputy S.M. Wickenden:**

I kind of wish that Deputy Gardiner's speech was not so disparaging about the good work that has been going on in education. We started the school site review many months ago and the Deputy is correct, we were hoping to get it out sooner but we want to make sure we do a thorough piece of work. This is not just about what sites could site a school, it is about where the need is. It is about where are the children living in the bowl of town. Is it up closer to Havre des Pas? Is it around near Rouge Bouillon? Where is the need required and what does that need look like and how many different form entries, or one or 2, or what would that look like and what does the future look like? We need to make sure we are doing that piece of work. The Deputy's speech made it sound like we have just been sat on our hands and nothing could be further from the truth. The Education Department and C.Y.P.E.S. (Children, Young People, Education and Skills) have been working tirelessly to try and improve educational outcomes and educational funding. They all started with the great work that Senator Vallois did when she started as Minister for Education with the Education Reform Programme, which is putting extra money into schools to try and stop the deficit that we are seeing in education for special education needs, for English as an additional language. The Minister for Infrastructure, Deputy Lewis, made a promise that nothing would happen on the Rouge Bouillon site until all of the reviews, whether it be for school or housing or fire and ambulance station had been completed and that the Assembly could make that decision. There are lots of ways. As much as I appreciate this proposition being put forward, and I will be supporting it, it was not as necessary as the Deputy makes out to be but it is good. I am glad we have this proposition because it gives us a level of surety that nothing will happen on this site because the Assembly is now, hopefully, going to ratify it. I will be supporting the fact that there needs to be 2 in this. It will be up to each Member

to decide whether they want to shore up one site for schools or 2 sites for schools. I certainly think that we need 2, and that is the long-term vision, but how long it will be where we will hold a site before we can get the funding in the Government Plan for 2 schools is probably a long way. In any instance, as Minister for Children and Education, I will not vote against something that is better for the children and educational outcomes for this Island. I will support it.

#### **4.3.3 Deputy J.H. Young:**

I think this is well-intentioned but I am anxious about the second part of this later amendment because it sets a very high bar, if you like, on when any site in government ownership can be allocated for any use. Of course, while in an ideal world that is very desirable because education there is no question, all the things that are being said and the intention of the proposition and the Minister's position is absolutely totally not just valid but vital. But it says, effectively, that any other government sites that should not be allocated for any other purpose, not only about the strategic review, and I have got confidence that strategic review will be completed, but then it says: "Sites are allocated and approved", not just for a school but according to modern standard educational needs and who knows what that is? There is a lot of work to do there. My worry is, if that was interpreted in a way onerously, it could be a bar to making our decisions on housing sites in towns because we have desperately got to produce a good supply of affordable homes from our States-owned sites, as part of our strategy, in the draft Island Plan. I think this amendment to the amendment could be an unintentional bar to us doing that. But, equally, I absolutely agree that I think we have to find a new site for, I think, Rouge Bouillon School. I do not favour the development of Rouge Bouillon on the current site because of the environmental damage to air pollutions and to children, and I think that will be allocated to the fire service, it should be there, and we need to find a new site. I have got my own preference for that site but I will need to wait for the strategic review of the sites. Because I have got confidence in the Ministers, the Minister for Infrastructure and the Minister for Children and Education, to do that because I have made the point that it needs to be done because these questions are going to arise anyway in the public inquiry for the Island Plan, and so that is the timescale that I am looking for. But as far as translating that into more detail of allocating sites and approved, that is, I think, further on and, as the Minister told us, it depends on the Government Plan, monies and all the rest of it. I would like the proposer to assure me on that or what is the intention of the words in this amendment, what the proposer considers the effect would be and reassure me on that? I look forward to hearing from the proposer.

#### **4.3.4 Senator S.C. Ferguson:**

We promised the sea cadets that we would find them a permanent home; at the moment they are living on the first floor in the police station. At the same time I agree with Deputy Young because of the fumes of the roundabout and the pollution from Rouge Bouillon, where do the sea cadets, for instance, come in the great and glorious plan for the education review? Have either of the Deputies, who are coming up with these plans, thought about this? The sea cadets are waiting, as they have been for 27 years, to get their permanent home. Where do they come into it? They are really genuinely doing something good for the children of the Island.

#### **4.3.5 Connétable R.A. Buchanan of St. Ouen:**

My question is simple and I have studied both propositions fairly carefully. I have got 2 questions really, which I am hoping somebody is going to be able to answer. Firstly, while on the face of it the Rouge Bouillon site seems large, it would be helpful if somebody could clarify whether it is going to be enough space for Rouge Bouillon School and the size and area of the site is big enough to accommodate playing fields and all the other things they want to do. I assume the answer is yes but I think it would be helpful to have that clarified before we vote on this. Secondly, my concern is about the fire service, this proposition, and we all seem to be talking about the fact that we have found an alternative suitable site for the fire service, and that is where my concern lies; that the fire service

is located where it is for a very good reason. It has excellent access to all routes out of the Island. It is very central, you can get to the east, you can get to the west and you can get north from where they are with a considerable amount of speed and ease, assuming that traffic moves out of the way when the blue lights and sirens go on. My own assertion is that finding an alternative site that is as good as this is going to be tricky. I have been wracking my brains thinking where we could put the fire service. I am not entirely sure but I think that might be the solution. I would hope that somebody, before we vote on this, is able to give me an assurance that until such time as we have found a suitable site for the fire service, which meets their needs and protects the safety of all Islanders, let us not forget that the fire service is a vital blue-light service that we all rely on when there is an emergency. We need to make sure that whatever site is allocated to them is as efficient as the current site. I would look for somebody to provide some assurance to Members that this will not happen, as worthy as it is, before we have relocated the fire service in a site that is entirely suitable for their needs.

#### **4.3.6 Deputy R.J. Ward:**

I would support this but there is an issue that I need to raise. In a public hearing with the Minister for Home Affairs last week we raised the question of Rouge Bouillon and it was said ... and forgive me if I have not got the words precisely because I cannot find my Hansard. It was either said that the sites of Rouge Bouillon for police and ambulance positioning was sacred or sacrosanct, one of those, something like that. Therefore, it is absolutely defined already that that would be used in that way. I think the problem is this, we have one Minister in Government saying it will absolutely be used for fire and ambulance, another Minister saying he had accepted an amendment, which means it will not be used for that for even long term, it will just be a token gesture towards saying that this will be accepted but we know in the long term it will not be accepted for that. We need to know where we are with clarity from the Government, particularly as the 2 Members are founding members of the Government party. We need to have some consistency of what is happening. If we are doing it genuinely and put our children first we need to allocate sites like this for a school. We need to allocate other sites in the town for a school. I mention the waterfront development again, where there will be up to 600 children living there and no school plan B. What I would suggest that the Minister for the Environment changes the regulations for all of these planning estates and development to say there must be account of where these children will go to school because at the moment that is not being considered in the rush for cash, in the rush for a quick profit that is lost completely. Yet again we then are left with a well-meaning and well-balanced intention about bringing this proposition that tries to allocate the site, goes through numerous amendments of amendments of amendment of amendments of amendments, where what is happening is the decision has already been made. We want this transparency. Perhaps someone from Government can come and decide and let the Assembly know right now whether they have decided that this would already go to the police and fire and ambulance and, if so, why are we debating this? I am quite happy to answer please for clarification.

#### **The Deputy Bailiff:**

Yes, you are prepared to give way. Senator Farnham, your point of clarification of Deputy Ward.

#### **Senator L.J. Farnham:**

I think I heard Deputy Ward refer to the Government party and I wondered if he could just explain what he meant by that, please.

#### **Deputy R.J. Ward:**

Yes, of course. The Alliance Party has a number of members who are in Government; 2 of the Ministers involved in the battle over this site, for example, is in fact the Chief Minister, I believe, the Minister for Social Security and a number of Assistant Chief Ministers. I believe that they are a party

that are influential in Government. I assume that Senator Farnham is not part of that party but that is something he has to deal with in the Council of Ministers.

[12:15]

**Senator L.J. Farnham:**

I would just ...

**The Deputy Bailiff:**

If you want to make a speech later on you can on this issue the clarification has been given.

**Senator L.J. Farnham:**

Is it a further point, Sir, or is it ...

**The Deputy Bailiff:**

Is it a point of order for me or a point of clarification because the speech has come to an end?

**Senator L.J. Farnham:**

I think it is a question for you, Sir. I am not sure if it is a point of order but it is a question. I wondered if it was appropriate to refer to a party that is ...

**The Deputy Bailiff:**

That is not a point of order.

**Senator L.J. Farnham:**

Thank you, Sir.

#### **4.3.7 Connétable S.A. Le Sueur-Rennard of St. Saviour:**

St. Saviour has been mentioned and, as everybody knows, we do have most of the schools. Sadly everything that has been coming out is for homes because they are desperately needed, but there has never been a mention in the Island Plan for any part of the Island for schools. I have said on numerous occasions I do not want any more housing; I want some places where the children can go and play and where they can have a school that is best relevant to them. Deputy Gardiner has been trying very, very hard. I sadly do not think that the Rouge Bouillon site is correct but, having said that, where else are they going to put a school for the children? I really think they need to do it. Deputy Ward wanted a youth club on the gas works. We were kind of promised one, but I do not know quite where that has gone but that does not seem to be coming to fruition. There is no school on the waterfront, but there are homes on the waterfront. In St. Saviour on these fields that they wish to build on that I am really up against, and I am not happy with, there is no mention of schools, but there is a board in the Assembly where people sign to put children first. I did not sign it because basically I put everybody first; whoever needs help gets it. But we are falling down on the people - well I am not - but the people that said they were going to support, they are not supporting the children. Deputy Ferguson is correct; the sea cadets have been looking for somewhere, the sea cadets is a wonderful establishment and we want the youngsters to go there because it is better than hanging around on street corners, but we are not giving them the facilities to go there. So I really think we need to look at this Island Plan, we need to look at everything and support Deputy Gardiner for making sure that we have education for the youngsters up to the age of 18. But this is not going to take us anywhere. Deputy Young said we need homes; we do not need homes for with families if we have nowhere for the families to go. Opposite St. Saviour Parish Hall here we have a wonderful meadow and we hear the children playing in there, and the little ones are all screaming and shouting and sometimes in the winter they go home covered in mud and they have had a ball, because it is a facility that they do not have where they live. We build apartments, which is fabulous, they are about 4 or 5 flights up, they

may have, if they are lucky, a window that will open out to the fresh air, but there is nowhere for them to play. Come on everybody, get your act together and think of the children.

#### **4.3.8 Deputy R. Labey:**

I do not think I can support this last of the amendments because it seems to me arbitrary and potentially unhelpful. But the main proposition, as amended, I could support because it takes us to the situation we are in at the moment in that Rouge Bouillon would not be moved for the police station until alternatives could be found. That is what the review is all about, that is the situation, so we are having this debate this morning which will probably go on for an hour and a half and we will be at square one, but if Members wanted that clarity that is fine. Just now it has been mentioned, Gas Place. We are in a situation where it is like musical chairs; things got stopped because of the hospital uncertainty and that has an impact on my portfolio on providing new houses because everything is kept in aspic until we have got more certainty on the hospital site, and then what do we do with the others. As Members know, I made a commitment to get more government sites by the end of this year announced and with the providers. So out of the disappointment of the Gas Place site for housing being turned down springs opportunity, especially because of an incredibly pragmatic and openminded view by Andium Homes who have taken that refusal on the chin and not dug their heels in but started to look at that area of town, given the hotel site is being developed for apartments, look at that whole area of town as one, with what we know will be needed is more amenity space. That then begs the question about can we get more park. There is a States decision to put more housing on there; can we amend that? Can we get a bit more housing there? Deputy Ward will be pleased to know that with reference to his proposition about Gas Place, Property Holdings and all the departments concerned are already well ahead of the Deputy, and he will be pleased to know that. Of course that now opens up the opportunity as a potential school site, Gas Place, possibly some more housing too but essentially much, much more park. But of course that is an open secret, that is part of the review and is being looked at and plans will be drawn up and we will all be able to have a look at them. But these sorts of decisions have to be taken extremely carefully and it is not as simple as slamming in a proposition of this kind, I have been there myself. You saw when Deputy Ward's proposition came out about Gas Place and the idea of a school on there which, as I say, is already in the pot, you would think that was universally popular and what a good idea but, no, of course there is the issue of traffic, and all the comments down underneath it are negative in terms of traffic. So there are things like that, that have to be taken into consideration. I mean, saying there should be 2 schools, that probably seems sensible, but what about if it should be 3? Property Holdings will always ... and Members will know the 2 principal officers, they are very approachable and they will always have time for Members, non-Executive Members and other Members, if you want to go to them and talk to them, dial them up on Teams - Tim or Ralph - and they will take you through the process which they are the conduit for, for Infrastructure, for Housing and Environment, for Education and Home Affairs to try and get a solution. They are working extremely hard on it and it is very well co-ordinated and I am really hopeful that we are going to make progress and it is going to be better for St. Helier and better for our children. But let them do their work. I see that the Minister for Infrastructure is about to speak but as far as I am concerned no decision has been made on the Council of Ministers re the fire and ambulance station staying where it is. The arguments for that have been put very clearly by the Minister for Home Affairs, so that has been put to the Council of Ministers, and the alternative argument has been progressed by the Minister for Education over the last few months. That, I hope, is helpful.

#### **4.3.9 Deputy K.C. Lewis:**

In the opening speech, Deputy Gardiner suggested we should look at Google Earth, and I recommend that Members do exactly that now. Rouge Bouillon School was an excellent school but it is completely disjointed. I had the pleasure of having a guided tour recently from the headmaster and it is a superb school; very, very dedicated staff and I congratulate them. But the school has been

added to so many times it is completely disjointed and it is a bit of a rabbit warren. But they do their best with what they have. If we had a blank sheet of paper who would build a school for young children directly next to one of the busiest roundabouts we have on the Island? That is not the way we should be going. If we started building into the old police station area then it would be even more disjointed and nothing would actually join up at all. There is no direct link. On some of the buildings there we have got preservation orders on so they cannot be touched. It is very, very complex. Conversely, Jersey Fire and Rescue and the ambulance service, they are in - in my opinion - the perfect location. They are just 50 yards from Rouge Bouillon roundabout so they can go all points - north, south, east and west - and they are in the best position to get anywhere on the Island as quickly as possible. I will leave it there and I will be speaking on the main debate.

#### **4.3.10 The Connétable of St. Helier:**

It is not often I agree with the Minister for Infrastructure but I have to say I agreed with every word he said. The fire service is a good fit where it is. There is a considerable heritage factor there but the buildings are not going to be able, I imagine, to move or be altered and the fire service is already in there and they have got the extra space that has come from the relocation of the police station. I also want to endorse what the Minister said, and indeed the Minister for the Environment said in his speech earlier, which is that the environmental degradation of this area is particularly hazardous for young lungs in that school. Indeed that is why Deputies for St. Helier going back years, as well as myself as Constable, have objected to the fact that the States has persistently prioritised other school developments over the redevelopment and possibly re-siting of Rouge Bouillon School. We have seen smart new primaries being built out in the rural Parishes, I am sure they were well needed but I would challenge anyone to say whether in terms of the environment for young people that you would find a worse place to site a primary school. It does need moving and it needs all the space that can be provided for it. I also agree with the Minister for Housing and Communities, and I think Deputy Young as well, they both have concerns about the precise wording of this amendment because however fast the review is this proposition says that no site in States ownership that could accommodate schools should be allocated for another purpose. That really means that nothing can be done with any other site, and I have a particular interest if the extension to the Millennium Town Park site is deemed unsuitable for a new primary school, I would want that work to start on that site in converting it into an extension of the Millennium Town Park, as indeed Andium Homes have decided they would wish to do. They are conscious, as I am, of the under-provision of open space, the fact that Millennium Town Park is incredibly busy. You could almost describe it as congested in the sort of weather we are having at the moment. The potential marriage value of the existing town part with a similar sized space of grass and trees is incalculable and will benefit not just young people but people of all ages and people who live in the very densely populated part of town around the Town Park. I want that work to be able to proceed to deliver an extended Town Park if the site is indeed not suitable for a primary school. But if I accept this amendment I am saying that cannot happen and indeed if there were to be a problem with, dare I say it, the Overdale site for the hospital that could not happen either because we would have said no other sites in States ownership can be allocated for any other purposes until the primary school review, not just the review has been completed but the sites for primary schools have been allocated and approved. So I do have problems with the wording of this and as I think the Minister for Housing and Communities, and possible the Minister for Education, we already have a guarantee as a States Assembly that this site will not be passed on for any other use until the needs of the school have been established and sorted out. So I am minded not to support this amendment because I think it does risk tying our hands as an Assembly and we may find ourselves having to come back and rescind it in order to get on with another piece of important work.

#### **The Deputy Bailiff:**

Deputy of Trinity, did you want to make a speech?

#### **4.3.11 Deputy H.C. Raymond of Trinity:**

No, I just wanted to make a clarification, only with regards to what was being said about the sea cadets. So, yes, I would like to make a speech, bearing I mind what I am involved with, with regards to the sea cadets, if I may?

[12:30]

#### **The Deputy Bailiff:**

Yes.

#### **The Deputy of Trinity:**

The situation is such that the sea cadets are on the Rouge Bouillon site for 2 years. We are in the process of negotiating with them to look for another site and I have to say things are progressing very well, so I can say that at the present time the sea cadets will not be an issue with regards to this particular site. They were given 2 years but because of the decant of Fort Regent and everything else we are making sure that they will be going somewhere else other than that site. That is really what I wanted to clarify with some of the questions that were being asked about the sea cadets.

#### **4.3.12 Deputy G.C. Guida of St. Lawrence:**

I will try to say everything now while we are talking on the amendment to the amendment. I have been looking at this very, very carefully for the past few weeks and trying to find exactly where my position was. It was quite difficult because, remembering that I am also Assistant Minister for the Environment, I am involved in the Island Plan and, as such, we could not understand more the frustration of Deputy Gardiner about the school estate. The Minister and myself will probably be quite happy to talk on that subject. It is one of our biggest frustrations, the fact that we could not put the new school estate, that we could not reserve sites in the Island Plan, and actually we still have the hope that it could be done, that it is something that we could do as part of this Island Plan. But the strategy review of the school estate is quite advanced. I have seen a preview of it, and that is quite interesting, when I saw it, it looked finished. But the fact that it is not and then the Minister for Education still has not published it shows the level of detail that you have to go into. So they showed some projects and possibilities and everything was extremely exciting, but every one of them needs to be drafted, it needs to be detailed to the nth degree and that is one of the things about the States real estate is that it is very, very complex. One of the things that Constable Crowcroft mentioned, one of the difficulties is that there are no green fields in St. Helier. There are no green spaces that we can say: "Well, that is 9,000 square metres or 15,000 square metres, therefore, we can put a school in it" and we just put a flag in and do it. Everything is taken; everything is used for something. So if we want to put a school somewhere we probably need to move something else, and that something else needs to go elsewhere, but you also need to move whatever was there before. So to start to say: "Well, do not do anything, a flag has been planted and the school has to be there" is extremely difficult. We very quickly mentioned the words "a sacrosanct site" about the fire and ambulance station and, yes, it is, it is for Home Affairs, but Home Affairs is just one ministry and the other ministries need to make a point as well. Home Affairs have studied many, many sites, many, many possibilities for a joint fire and ambulance station around the Island. We have really looked at everything, and did a very, very detailed study on response times and all the other factors that were necessary to look at to decide on a new site. One thing came back quite strongly that anywhere other than in the centre of town response times were going to increase, so because most of the incidents happen inside town, to be inside town to start with shaves about 1½ to 2 minutes off the response time for most interventions, whether they are fire or health related. That 1½ minutes can be the difference between life and death, so this was really, really important to us. The other point - and again being involved with planning certainly helped me understand that - is that it would be almost impossible to select another site within town for the fire and ambulance station and get the planning

approval, because the opposition would just be too much. The site where it is has been there for 70 years, it is accepted, people understand the nuisance and it is fine and accepted. If we try to move that anywhere else in town we would have 5,000 oppositions and we would have demonstrations and it would just not happen. That is a historical fact in any other city where this had to happen. So if we get the fire and ambulance station outside of town it will never, ever come back and we will have to add 1½ to 2 minutes to any response time inside town. I would like to mention that schools do occasionally catch fire and that children occasionally have to be taken to hospital rapidly, so to say that we are not thinking about children; we are thinking about children. Now, another interesting thing, and we were talking about moving things around to make them fit the best. The best thing that could happen to the fire and ambulance station is if the Rouge Bouillon School was moved because then we would have access to a site twice as large and we could redesign the fire and ambulance station as something much, much more practical. So it is actually in the interest of the fire and ambulance station that Rouge Bouillon School is relocated in a more suitable site. So again I understand the Deputy's frustration, in fact desperation, because she went as far as taking a fire station hostage to her desires, and I will push as much as I can this Government, and certainly on the Environment side, to include in the Island Plan reservation for schools in St. Helier. It is one of our most important developments, so I completely agree with her, but I am really worried that this particular proposition will tie our hands and make it more difficult to develop schools in town.

#### **4.3.13 Deputy J.M. Maçon of St. Saviour:**

I just want to contribute to this debate because these discussions were happening when I was Minister for Education, and I just want to inform Members of what happened on my side. It was one of the Education meetings on a Monday morning and one of the officers raised something on the agenda and they said: "We would just like to talk to you about the Rouge Bouillon site." I said: "Okay, fine, please tell me." They said: "We want to inform you that the Justice and Home Affairs Department and the Infrastructure Department have become quite progressed with their plans for the new fire and ambulance station on the Rouge Bouillon site and we would like to arrange to have you at a meeting with the Minister for Home Affairs in order to discuss this." To which I said: "Well, wait a minute, where is the review for Education and where is the review for Housing, because I know they are supposed to all come together?" "Well we have not really been able to progress our side - this being the C.Y.P.E.S. Department, - and Housing has not even been touched." So I said: "Well, absolutely not, I am not going into a meeting with the Minister for Home Affairs where I am going to be presented with a *fait accompli* when the C.Y.P.E.S. Department has not done its work." So I declined that and said: "Write to the Minister for Infrastructure pulling up an answer which was put in the Assembly when I was Assistant Minister [and I am sure Deputy Gardiner will have it as part of her notes] about how the Minister for Infrastructure gave the undertaking that before any decision was made that all the reviews, Housing, C.Y.P.E.S. and Justice and Home Affairs would have been concluded." Now, I got a letter back from the Minister for Infrastructure saying: "Well, Justice and Home Affairs have really progressed very well" so I said: "Fine, no, we are going to raise this at Council of Ministers now." So eventually I raised it at Council of Minister and eventually managed to get Council to agree that no decision would be made on the Rouge Bouillon site until Education had concluded its work. I should point out to Members that there are 2 reports which are needed, one is not only the school estates review which needs to happen, but it is also the catchment area review because again that needs to be looked at in conjunction with this. So those are 2 detailed reports which need to be done before a decision on the Rouge Bouillon site has been made. There was a bit of toing and froing and we were assured that the decision would be made by Council of Ministers. I said: "Brilliant, well thank you for that undertaking, I am sure it will be minuted." I waited for the next meeting of the Council of Ministers to see the minutes, I noticed that undertaking was not there, to which I pointed that out when we were discussing the minutes, and thankfully the Chief Minister said: "No, I do recall that and that is what we agreed." So it was quickly put into the minutes. So can I urge Members, on this particular site it is incredibly important to support Deputy

Gardiner and her amendments in order to ensure that Education is given a fair crack of the whip in this situation because I feel that for some reason or another - and I do not know what it is - it seems that the other elements, Education and Housing, have not had a proper chance to be looked at, at this site. I cannot give a reason as to why that is but I think in order to safeguard this particular site that is what needs to be done and we need to support Deputy Gardiner today, and I am thankful to her for bringing this situation to light because I was having this battle in the background with other Ministers.

#### **4.3.14 Connétable A. Jehan of St. John:**

It seems to me that the Minister for Home Affairs has just made an excellent case for keeping accident and emergency at Gloucester Street given his concerns about the additional time for the majority of people in St. Helier. We cannot move the families. There are an enormous population around Rouge Bouillon School and we need a joined-up strategy. The catchment review is really, really long overdue. We have pupils attending St. John School, for example, from Georgetown and we have children who live right next to the school, the adjoining property, who go to Plat Douet School because there is not enough room at St. John. So I think there is a lot of work to be done, hopefully in a very short period of time, to sort out the catchment review and to look at Rouge Bouillon as a whole. The fire service appears to have been able to expand into the police station without any restraint at all, and once you are in it is like squatter's rights, it is difficult to get people out. So I would urge Members to support Deputy Gardiner's amendment and her proposal and put some focus on the families and children of Rouge Bouillon.

#### **The Deputy Bailiff:**

Does any Member wish to speak on the amendment to the amendment? The adjournment has been proposed by Deputy Morel in the chat. Is that seconded? **[Seconded]** Does any Member wish to oppose the adjournment at this stage? The Assembly is adjourned until 2.15 p.m.

[12:44]

#### **LUNCHEON ADJOURNMENT**

[14:15]

#### **The Deputy Bailiff:**

We resume the debate on the amendment to the amendment. Are there any other Members who wish to speak? If not, then I close the debate and invite Deputy Gardiner to reply.

#### **4.3.15 Deputy I. Gardiner:**

First of all, I would like to say thank you to all Members who contributed to the debate on my amendment. There was a suggestion that the education facilities at Rouge Bouillon are so poor they are beyond saving and it took my breath away; at least we agree on this. To suggest that it was a good reason to vote against my amendment, does not make sense to me. This is what I would like to really clarify to Members so we will not have confusion: this amendment is not for or against the ambulance and fire station being situated at the Rouge Bouillon site. This amendment gives more flexibility for the Government than my original proposition because it is basically saying review and decide based on the evidence you have, which is not yet finished but is coming, where schools should go. As the Constable of St. John said so well, we cannot move families. I absolutely agree with the Minister for Children and Education that schools need to be aware of what the needs are. I must say I did have a good engagement and preparation for this proposition from the Education Department and they contributed to this amendment. We had a conversation, and also the new Minister for Home Affairs engaged with me, so I did have engagements with all relevant stakeholders and I am grateful for this. I will address Deputy Young, Constable of St. Helier, Deputy Labey and other Members regarding the sites and the paragraph (b) of my amendment. First, we know what the options are. Jersey Property Holdings reviewed all possible sites several times. They have the list, we will not

have new discoveries, we know what we have on the Island. Second, and this is specifically for Deputy Young and the Constable of St. Ouen, we do know what the standards and sizes are. There are clear standards according to the answer to my written question BB103. It is not statutory in Jersey and it will apply only for the new-build schools, according to the answer to my written questions. Probably none of the town schools, from my impression, apart from the one, currently really comply with BB103, a very clear standard as to what size of schools and outside space is required for modern schools, so we do know what the size should be. Third, my amendment specifically stated: "Site suitable for a modern primary school." As we know the size and standards, we know what other sites we have, and they are very limited, and after the Minister for Children and Education reviews it, there will be very clear guidelines on what our needs and what our catchment areas are. It is important to indicate that they did not include the deadline for strategic sites because we do have Rouge Bouillon, and it is addressed in paragraph 8. It will be part - this way or that way - of the Government Plan and we know that Rouge Bouillon School, hopefully with the support of the Assembly, will be built soon. Paragraph (b) is asking: decide upon and approve by Council of Ministers what are their sites, like we have now a field allocated and approval for the First Tower School to extend. They did do a plan, they did do improvement for development, they funded it, the final details would be put in place later but we need to have this strategic thinking. I hope that this amendment, the part (b) of the amendment, strategic thinking will help for the bridging Island Plan. It is not far away, it is in March, and hopefully we will be able to include one, 2 or maybe 3 sites, depending on whatever the Government decides. This amendment gives lots of flexibility. I am not saying we need one school, 2 schools or 3 schools, what I am saying, look at your data and make a decision. I hope this reassures Members what the paragraph (b) is talking about. Another point, I am grateful to Deputy Maçon for his contribution and it just supported what Deputy Ward and myself experienced in Scrutiny, is not a joined-up approach and this amendment would like to address this. As a member of the Environment, Housing and Infrastructure Panel for the last 2 years we were questioning the Minister for Infrastructure several times on progressive Rouge Bouillon site and Rouge Bouillon School. This is what was in our heads. This proposition was lodged back in May because during the P.A.C. (Public Accounts Committee) hearing with the director general for Justice and Home Affairs, I have learnt for the first time that a feasibility study has been conducted, finalised, and I understood that it is likely to be allocated to the fire and ambulance station. From what I understand, it was also a surprise for the Regeneration Steering Group and now I understand it was also a surprise for the Education Department that the plans really progressed from the Justice and Home Affairs. By the way, I do understand why, because the site is in their ownership, it is not in Jersey Property Holdings' list, it is under the department. It should be joined up, it should be strategically in one place, but it is still under development, it still did not happen. Following this, at another public hearing I asked the director general for Children, Young People, Education and Skills Department how he can reassure us that the school needs to be where the children live in walking distance and require a particular site and size of the site. The answer was: we do need to do the reviews, we need to have evidence and if the site is gone, it is gone basically. If the site for the future provision is not developable, it is not developable. This is the reason that I am personally not ready to take this any longer. The Constable of St. Ouen asked if the site is big enough. Yes, the site is big enough. Is it the best site? I am not sure, and this is the reason it was mentioned, environment impact, a roundabout, catchment areas, and this is the reason that the amendment came through. I would say to the Minister for Housing and Communities and Constable of St. Helier, the quicker a decision will be made, we will find ourselves in a better condition; weaker sites will be allocated for other purposes. We do have all the information. Thank you to the Deputy of Trinity for clarifying to Senator Ferguson regarding the sea cadets. We also had a States decision, hopefully it will be followed through, about allocating a place at Fort Regent. I hope I addressed most of the things that were raised. Yes, it is a challenging decision and, at the same time, as the Constable of St. Saviour clearly said, we do not need more houses where children do not have places to go to school. Clarity and strategic thinking for the future is what this amendment is asking for. It was suggested that bringing a proposition, not following the

procedure, allowing time, need to wait longer for the review, this has not worked for the children of St. Helier for decades, so now each Member has the opportunity to reveal if they buy into the “Putting Children First” Government slogan or just standing behind the words. Every elected Member has come up with a different reason to vote against this amendment, I was a bit surprised: a park, housing, the needs for the police and ambulance service, it seems that everyone has a different reason to give priority to something else. I would suggest if we decided to give priority to the children, let us give priority to the children. We do need an ambulance and fire station, and it will come, we have other sites; of course, there are 3. Basically, this amendment, what we are hoping for, it opens the opportunity to move forward, not closing down the options. Government has now almost all the information in front of them, it is the time to make a political decision. Think strategically, think for the future. I have overwhelming public support and if we put this to the vote now, we will find out if this Assembly is really fulfilling public wishes or fulfilling its own agenda. Thank you, and I ask for the appel.

**The Deputy Bailiff:**

The appel has been called for. In a moment the Greffier will add a vote into the chat channel of the meeting. She has done so, the vote is now opened, and I ask Members to cast their votes.

**Deputy G.P. Southern:**

Is this voting on the amended amendments?

**The Deputy Bailiff:**

This is voting on the amendment to the amendment. It is Deputy Gardiner’s amendment to the Minister’s amendment. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. Accordingly, the amendment has been adopted.

<b>POUR: 31</b>	<b>CONTRE: 13</b>	<b>ABSTAIN: 0</b>
Senator L.J. Farnham	Senator J.A.N. Le Fondré	
Senator S.C Ferguson	Connétable of St. Helier	
Senator T.A. Vallois	Connétable of St. Peter	
Senator K.L. Moore	Connétable of St. Mary	
Senator S.W. Pallett	Connétable of St. Ouen	
Senator S.Y. Mézec	Deputy J.A. Martin (H)	
Connétable of St. Lawrence	Deputy K.C. Lewis (S)	
Connétable of St. Saviour	Deputy R. Labey (H)	
Connétable of St. Brelade	Deputy L.B.E. Ash (C)	
Connétable of Grouville	Deputy G.C.U. Guida (L)	
Connétable of Trinity	Deputy of St. Peter	
Connétable of St. Martin	Deputy of Trinity	
Connétable of St. John	Deputy S.M. Ahier (H)	
Deputy G.P. Southern (H)		
Deputy of Grouville		
Deputy M. Tadier (B)		
Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy S.M. Wickenden (H)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		

Deputy J.H. Young (B)				
Deputy K.F. Morel (L)				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

#### **4.4 Allocation of the former States of Jersey Police Headquarters site to Rouge Bouillon School (P.43/2021) - Amendment (P.43/2021 Amd.) - resumption - as amended**

##### **The Deputy Bailiff:**

We now return to the amendment of the Minister, as now amended. Does any Member wish to speak on the amendment? No indication in the chat yet about anyone wishing to speak on the Minister's amendment as amended.

##### **4.4.1 Deputy I. Gardiner:**

Just to say thank you to the Assembly for supporting my amendment to the amendment. I am sure that we will work together with the Education Department and the Minister, as I know that he has a goodwill to move it forward and obviously I will be supporting the amended amendment.

##### **The Deputy Bailiff:**

Does any Member wish to speak on the amendment? Accordingly, I call upon the Minister to reply. Deputy Guida, you just got in.

##### **4.4.2 Deputy G.C. Guida:**

I just wanted to mention one thing because Deputy Maçon mentioned it, and it is quite an important part of this. Indeed, Home Affairs was quite advanced in the development of the new fire and ambulance station when Education decided to have a look at the site as well. What we did is that we put our project on hold for almost a year while Education were doing their own review.

[14:30]

We let Property Holdings decide which one had a priority and this is still ongoing. As Home Affairs, I, of course, push the fire and ambulance sites as much as I can but this is in the hands of Property Holdings who are the designated body supposed to have a strategic view of the States real estate portfolio.

##### **4.4.3 Senator K.L. Moore:**

I just wanted to speak after hearing the comments of the Minister for Home Affairs. I struggle to understand exactly where he is coming from because, as a previous Minister for Home Affairs, I was certainly aware of moves to use part of the site at Rouge Bouillon for a new or an extension to the Rouge Bouillon School. It was something that, as a previous Minister for Home Affairs, I was absolutely in support of. There is room, in my view, and it was then too, for both the school and at least the fire service to co-exist on that site. There is ample space, in my view, and I do not believe that that has changed; therefore, I would encourage Members to support this proposal moving forward. As my reference has alluded to, this project has been underway and discussed for quite long enough and it is time that we do see action and that we do make improvements for the children of St. Helier.

##### **4.4.4 Deputy R. Labey:**

Just procedurally, can I ask the Chair if we are now debating the main proposition as amended by the Minister: Deputy Gardiner's proposition, as amended by the Minister?

**The Deputy Bailiff:**

No, we are still debating the amendment of the Minister as amended by Deputy Gardiner's amendment. We have not yet returned to the main proposition.

**4.4.4 The Connétable of St. Helier:**

I wanted to speak very briefly. I think when Deputy Gardiner was summing up her amendment, there was certainly the suggestion that the full support of the Assembly was required to enable the project to proceed quickly and, hence, that amendment needed to be supported. For reasons that I explained when I spoke to that amendment, I do not believe that is the case. I think many of us, or some of us at least, who voted against her amendment are fully behind the project and fully behind getting on with it. Indeed, as I said, there have been many iterations of this over the past decade. Senator Moore has mentioned that it was a live issue when she was Minister for Home Affairs. I remember the former Deputy Andrew Lewis did a great deal of work when he was a Deputy to try to get the ball rolling. As I say, I think it is important we focus on the amendment, on the fact that the work needs to be done, the schools survey needs to be done, the catchment survey. But, as I said when I spoke, there are also implications, because the amendment has been approved, that all other sites in the States ownership will not be able to progress until this matter is settled. That is why I think, like it or not, that has given an extra urgency to the project, particularly when there are sites such as the Jersey Gas site which could be extended for the Millennium Town Park which may well need to be progressed quite quickly, should it be possible to do so.

**4.4.5 Senator S.C. Ferguson:**

I hope the Minister for Home Affairs will remember the necessity of setting up a clean cab procedure for the fire service. If he would like to know a bit more about it, perhaps he would like to contact me.

**4.4.6 Deputy K.C. Lewis:**

The Constable of St. Helier has said quite a bit of what I wanted to say but it is not a simple process and we must look at the whole thing in the round. The whole of St. Helier really is like a giant Rubik's cube that we have to move things around to fit things in but we want good neighbours, not bad neighbours. We cannot just say: "Well knock down the old police station and build a school there because we have the fire station next door." We cannot have 11 tonnes of Dennis fire engine coming through the playground with blues and twos going, we have to think very carefully about what goes where. I will be supporting this amendment and the main proposition to move things forward but it needs a lot of thought and a lot of consideration.

**The Deputy Bailiff:**

Does any other Member wish to speak on the amendment as amended? I close the debate and call upon the Minister to reply.

**4.4.7 Deputy S.W. Wickenden:**

Again, I have to say, I was a little bit disappointed in the choice of words with the summing up of the last amendment, talking as if the C.Y.P.E.S. Department has not already got a strategy that they are working in place. There was a lot of words of "this is now a strategy". I want to make it clear that, even if this proposition had not been lodged or amended in the way it has, the outcome would have been the same. We were already doing the estate review, we were already looking at where the need was for schools in St. Helier. We were already in an agreement in the Council of Ministers that, until that piece of work had been done, no allocation of the site would have happened. This gives the Deputy, Deputy Gardiner, as a District Deputy, the security that she has lodged a proposition and she

has got it put out through the Assembly. However, this was already a strategy we were looking at to create new schools in St. Helier, we knew there was a need; the work was already undergoing before this proposition was lodged. The C.Y.P.E.S. Department is absolutely passionate about making sure that we have the best educational facilities that we can provide, when we can provide them, and that we upgrade them as we go forward. Les Quennevais was an amazing proof of C.Y.P.E.S.' commitment and drive to build better educational facilities and we have proven that we can do it world class. I am still glad that we have this surety within this proposition and I do thank the Deputy for working with myself and the department to get to this position we are now that gives us the option for new schools and does not take this one off the table. With that, can I ask for (a) and (b) to be taken separately, please, and I will ask for the appel on both parts.

**The Deputy Bailiff:**

Yes, if you wish to have (a) and (b) taken separately, then you may. We will need to ensure that the vote that is prepared permits that. In a moment the Greffier will add a vote into the chat channel of the meeting. In the first instance, Members will be invited to cast their votes on paragraph (a) of the amendment of the Minister as amended. The Greffier has done so, and Members may now cast their vote. If all Members have had the opportunity of casting their votes, I invite the Greffier to close the voting. I can announce that part (a) of the amendment has been adopted.

<b>POUR: 43</b>		<b>CONTRE: 1</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst		Connétable of St. Mary		
Senator L.J. Farnham				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				

Deputy G.J. Truscott (B)			
Deputy J.H. Young (B)			
Deputy L.B.E. Ash (C)			
Deputy K.F. Morel (L)			
Deputy G.C.U. Guida (L)			
Deputy of St. Peter			
Deputy of Trinity			
Deputy of St. John			
Deputy M.R. Le Hegarat (H)			
Deputy S.M. Ahier (H)			
Deputy R.J. Ward (H)			
Deputy C.S. Alves (H)			
Deputy K.G. Pamplin (S)			
Deputy I. Gardiner (H)			

**The Deputy Greffier of the States:**

The Connétable of St. Mary voted contre.

**The Deputy Bailiff:**

We now move on to part (b) of the amendment as amended. In a moment, the Greffier will add a vote into the chat channel of the meeting. The vote is now open, and I ask Members to cast their votes. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. Part (b) of the amendment has also been adopted.

<b>POUR: 38</b>	<b>CONTRE: 5</b>	<b>ABSTAIN: 0</b>
Senator I.J. Gorst	Connétable of St. Mary	
Senator L.J. Farnham	Deputy of Grouville	
Senator S.C Ferguson	Deputy K.F. Morel (L)	
Senator J.A.N. Le Fondré	Deputy G.C.U. Guida (L)	
Senator T.A. Vallois	Deputy S.M. Ahier (H)	
Senator K.L. Moore		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Lawrence		
Connétable of St. Saviour		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of St. Peter		
Connétable of St. Ouen		
Connétable of St. Martin		
Connétable of St. John		
Deputy J.A. Martin (H)		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		

Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

**The Deputy Greffier of the States:**

Those voting contre in the link: Deputy Ahier, Deputy Morel, Deputy Guida, the Connétable of St. Mary and the Deputy of Grouville.

**4.5. Allocation of the former States of Jersey Police Headquarters site to Rouge Bouillon School (P.43/2021) - resumption - as amended**

**The Deputy Bailiff:**

We now return to the main proposition as amended. Does any Member wish to speak?

**4.5.1 Deputy S.G. Luce of St. Martin:**

My thanks to Deputy Gardiner for bringing this proposition but how disappointing for her to have to hear from the Minister for Children and Education that all this work was in hand before she lodged the amendment. A lack of communication, yet again, but I think we all agree, and the Minister did point it out, that at least this amended proposition now brings some surety. I have never been convinced, and I remain to be convinced, that this is the right place for the fire service. I think a better site is available, I have said that before, nobody has ever come to ask me where that site is; I am not going to name it now but there are sites available. I do not see why we should continue to be using listed buildings to put fire engines in, fire engines that need to be heavily modified in order to fit inside the building. Our fire service deserves better facilities and I do not think the facilities can be fitted on to the site at Rouge Bouillon. But more important than that is the education of our children and, as has been pointed out, the families in the area that rely on Rouge Bouillon School are not going to move out if the fire service continue to stay where they are. They are still going to be in place and surely it is more important to make sure our children are educated properly, in the right facilities and in the right part of town so they do not have to travel a long distance to get to a new school. Again, I will just finish by saying thank you to Deputy Gardiner for bringing this, at long last some clarity and some joined-up thinking that seems to have gone on today; some of it is sadly lacking from this Government.

[14:45]

**4.5.2 Deputy M.R. Higgins of St. Helier:**

I, too, want to praise Deputy Gardiner for bringing this proposition. The reason is that we have been talking about Rouge Bouillon School for many, many years and other schools in the area and other things for St. Helier. What this debate has highlighted is the lack of joined-up thinking in terms of the future of St. Helier. We know that St. Helier is being crammed full of people. As you drive around the town these days, you see more and more flats going up and we know that more and more are in the pipeline. But where are the green spaces for the children to play in and, as has been highlighted in this debate, where are the schools they are going to be going to, and this situation cannot keep on going on. Where I am grateful to Deputy Gardiner is for bringing it to a head. It is time we did this and it is time we need to do some other things as well. I will be looking at bringing propositions in the future to speed things up, and I hope other Deputies, especially St. Helier Deputies, will do so as well because we cannot go along, as we are cramming St. Helier high and not having the facilities and dealing with roads, speed limits, dealing with parks, *et cetera*. Thank you, Deputy Gardiner.

#### **4.5.3 Senator S.Y. Mézec:**

I echo that sentiment from Deputy Higgins, absolutely, and congratulate Deputy Gardiner for bringing this proposition. It was the case that my Reform Jersey colleagues and I were discussing this before she lodged it and if she had not done so, we would have done it as well and we are pleased to support her now that she has lodged it. I would also note that we have lodged some amendments to the Island Plan as well to support the children and young people in St. Helier for all of the reasons that Deputy Higgins has just rightly adumbrated in his speech. The future of St. Helier depends upon making sure that the quality of life of people in St. Helier is decent, as good as it is for some of those who are lucky to live in the country Parishes with much more open green space and newer school facilities that are lacking in St. Helier. I want to urge States Members to put children first by supporting this proposition and, in particular, support the children of Rouge Bouillon who currently go to a school with amazing staff who are doing an amazing job in the circumstances but in a building which is not fit for purpose, which needs drastic amounts of investment and improvement in there, and to bite the bullet and say that the plot of land right next door ought to be allocated so that that work can go ahead. To give the certainty as early as possible to do that will put this project in a much better position rather than do what, I am afraid to say, this Government system is so good at doing, which is to spend years and years and years prevaricating, not making a decision about land use because they are waiting for this next decision that needs to be made for this next bit of land and wait for it all to add up rather than doing what we should do, is providing the joined-up thinking that Deputy Higgins was talking about and to just say: "We are going to make it happen. We will make a decision." The site is too good an opportunity to miss for Rouge Bouillon. We can provide them that certainty and put a plan in place for delivering for them. If we keep prevaricating, if we keep coming up with excuses not to do so, then this will go on for years and years and more children who are often coming from families on the lower end of the income spectrum, many of those who are living in accommodation in town which does not have their own private outdoor space, not great access to open green space either, will be deprived of all of those things which ought to be a real focus for this Government and for the States Assembly. I would say to Members that the way we manage the use of government land is pretty poor. I experienced that when I was a Minister, where I was pushing for decisions to be made on various sites, whether that was The Limes whether it was the St. Saviour's Hospital site, whether it was Ann Court, and there really is no accountability in there for: who is the person who makes the final decision, who do they talk to, why are there so many rumours constantly going around behind the scenes? I remember at one point hearing a rumour about a school going on The Limes site even though for several years we had been assured that housing was going to go there. It was only when I convened officers and other Ministers in a room that we were able to sort it out. There comes a point where you just have to draw a line under it and make that decision. When it came to Ann Court and the mysterious U-turn there was at one point for having government offices built on there instead, that was able to be resolved by it being decided by the

States Assembly. I would say that the States Assembly ought to do the same thing and decide that we are going to allocate places in town to provide those improved facilities for those children going to school. Let us not forget that the town schools, the ones feeding those catchment areas of the most densely populated parts of the Island, so Springfield School, Rouge Bouillon School, St. Luke's School, are all packed to the brim. They cannot really take more students in there and the more homes we build in town, more of those students will have to go out of town to be educated and that will mean more traffic in the morning. That means more stress for families in the morning rather than having decent buildings and facilities in town that those children can be taken to, hopefully walked by their parents who can then walk back to work without having to drive and add to all of the traffic congestion and pollution there. With a bit of joined-up thinking we can resolve this and I will be wholeheartedly supporting the proposition from Deputy Gardiner to just get this over the line and make that decision and make it happen because if we do not, we will just have more years of talking and inaction while those children do not get the best. They deserve the best, so let us vote in favour of this.

#### **4.5.4 Deputy G.C. Guida:**

I just have one question, and the speaker for this particular proposition might not be the best person to answer, but I hope that the Minister for Infrastructure will speak now. I would like to understand exactly what we mean by "allocation". I would like to understand, for example, whether we have to stop all work on Fort Regent until we have, I do not know, cleared the need for schools, whether we have to stop all work on South Hill before we are sure that this cannot be used as a school site. What about Ann Court? Cyril Le Marquand, what about these offices? Have they been properly allocated? Do we need to check first whether they make a very good school site? What about Overdale? What about all the other housing sites? I thought we had something called a housing crisis and were completely desperate to work on this. How many housing sites will we have to put on hold until we have a properly-developed school estate project? I would like to have an idea of this. That is one point. The other point, which is ancillary of course but I think it is quite important to make it, we are talking about using part of an active fire and ambulance site. We have a project which is ready to go and we are in fair competition with Education for one site but our project is really ready to go. If we have to change it and try to relocate the fire station elsewhere, we would have to restart from scratch and it would be extremely difficult to use part of the Rouge Bouillon site for the school until the fire station is gone. We are probably talking about 7 years and if anything happens, maybe 8 or 9. That project which looks reasonably quick to implement now, is not. It is not a quick fix. The quick fix is to relocate Rouge Bouillon, to find the best site in St. Helier for it. We know it is a priority, the Minister for Children and Education knows it is a priority, the whole Government knows it is a priority, and we have it in the Government Plan but it is very, very difficult to just put everything else on hold with one better project being held hostage while the actual review is done.

#### **4.5.5 Deputy J.H. Young:**

I think for me, as Members will know, I spoke on the amendment to the amendment from Deputy Gardiner, and I did raise a number of questions about the effect of the proposition which has now been adopted, that we have to sign up to or not on other sites in town. I think there are a few things I would like to record. Certainly, I share Members' views that somehow or other we need to break the logjam about the use of States-owned sites. We have a strategic review underway for education sites, and I am really not displeased about that, but of course I have been frustrated during the Island Plan work for the last couple of years, in fact, with 2 previous Ministers and now we have a new Minister. I am delighted he is giving it that full push, as it were, because it is going to need it because the track record of the past of the States not making these decisions I think is really dreadful. We need to look no further than the former d'Hautree site. We have had Haute Vallée, I do not know how many years, 25 years, maybe more, the same arguments then happened all the time: "We do not know what to use the site for. We want to keep it for education. We do not know what we are going

to do” and over 25 years the situation has remained. We have had some “meanwhile” uses, if you like, but have we made effective use, a best use, of that valuable, important public asset when the town is so desperately short of facilities? Of course, we have the situation, I was delighted to hear the Connétable of St. John say what a number of us know, that you have got people living in town who are told: “There is no room in the town schools, you have got to go to a school out in the country somewhere” which of course then completely knocks those communities. That has been a ridiculous situation, I think; absolutely crazy. This again points to this strategic review. I think it may be, the rumours I hear, 2 sites. Well, yes, if we need 2 sites, let us have 2 sites: one in the east of town, one in the south of town, and we have to plan for the future. We have to have really good quality schools and it cannot be right that the urban schools, as the Connétable of St. Helier says, have not had the investment that our beautiful country schools have had, so this is time now to square all this. I make a plea, I raised doubts about the worry if this does not work what potentially that could do for other uses, like housing sites, potentially they could be sterilised. Also the points made by Deputy Guida just now about we are so used to delays in States actions and it takes years and years to get things done, they could be stymied as well. But I am going to go with it now because I think somebody has to put a rocket under this process. I have been very dissatisfied with the way in which we are approaching decisions. It is not the fault of the officers. We have got an under-invested team in I.H.E. (Infrastructure, Housing and Environment) and I am not beating the Minister up on the structure at all about this because he does not have the team in place and he does not have the structure of decision-making that helps these things get decided quickly. We have got a Regeneration Steering Group which is painful; one hears bits of what goes on. We really do need a way in which we can make the allocations. Deputy Guida raised a good point: what does the proposition mean by allocation? I will tell you what I mean in my head, that a decision is made, not necessarily by the States but by the Government, that these sites are going to be used for this purpose. I think this is imperative - imperative - we get this, a timescale is very severe, because I really want this coming together by the time the planning inspector has to judge on the issues of housing sites and Island Plan policies this autumn, that he knows where the education estate plan is going. I think the discipline of this proposition that Deputy Gardiner now offers is a powerful one and so I am going to back it. I accept the fact there is a risk, for example, arguably, it could sterilise the waterfront site, in other words, we cannot make a decision. It is a States-owned site, it is not owned, I do not believe, by S.o.J.D.C. (States of Jersey Development Company), it is owned by the public. Of course, if it is that is one area for a school site, so be it.

[15:00]

I am pushing ahead and I support those Members who say we have to really raise this and try and get decisions. Decisions cannot be perfect, we just have to get to the point where we make a decision and go with it and not continually go around a loop remaking decisions again and again and again. Members that are going to be in the new States, or with aspirations to be there, and members of the public who are thinking of standing, that is the challenge for the next Assembly. I think this particular proposition will start helping us in that direction, so I am going to support it.

#### **4.5.6 Deputy K.F. Morel:**

I am really pleased that Deputy Young feels that this proposition is going to push those timelines and I understand, I think, that is what Deputy Gardiner is trying to achieve. But I have an enormous amount of sympathy with Deputy Guida and his questioning of what does this mean? I particularly say that in part (b) of the proposition, I have read it a thousand times, and it is the reason I voted against it in the last vote, is that, yes, it is saying this strategic review of the education estate of St. Helier and St. Saviour needs to be completed, and until that time nothing else can be allocated anywhere; is essentially what this is saying. Of course, that is designed - not a carrot and stick - it is a stick to try and drive the timescales. But at the moment I have no understanding of when that strategic review of the education estate will be complete because Deputy Wickenden, if I understood

him earlier, said he expected it in June - or was it May and then June? - and now we are in July and it is still not there but it should be a few weeks away. I personally want greater comfort about the time length of that strategic review of the education estate because the way I understand part (b) of this proposition is that we will basically be tying the hands of all departments in government until that strategic review of the education estate is undertaken. To me, that is most likely very, very irresponsible. Some may see it as the stick to get things moving, and I appreciate that, and everything Deputy Young said about the logjam is absolutely correct. From someone on the outside, it defies belief that departments are so slow in making these decisions but, as it stands, I have got to admit, I feel very uncomfortable with this proposition. I cannot quite understand why Deputy Gardiner did not design a proposition which perhaps just said that the strategic review of the education estate must be completed by, let us say, the end of August or the beginning of August, and then a decision must be made on the siting of Rouge Bouillon or an alternative to Rouge Bouillon by, let us say, end of December or something like this. That, to me, would have set deadlines that the States can agree to, that the Government has to act to, and they would be delivered. But instead we are saying, as a States Assembly: "You cannot use this site for anything except education and, by the way, you cannot do anything else until this review is complete." It does not feel like a responsible way of acting. It may feel to some that it will end that logjam possibly but I would really like to hear from Deputy Wickenden or anybody in Government as to the timeline for that strategic review, the real timeline for that strategic review, and then from Deputy Gardiner as to perhaps why she did not design a proposition which just provided deadlines rather than tying her hands as to what must go where because that seems a step too far as well. So I am very uncomfortable at the moment. I am definitely considering not supporting the proposition as amended but I am happy to be swayed either way but I am worried that we are being very irresponsible here.

#### **4.5.7 Deputy M. Tadier:**

I feel the last speaker was perhaps a little unfair to Deputy Gardiner who I think, like many of the St. Helier Deputies, including my party colleagues, have been trying to do the best for St. Helier residents and St. Saviour's; indeed this proposition talks about their pupils and their parents. Ultimately, it is not Deputy Gardiner's or any other Back-Bencher's job to come up with a government strategy but what we have got to remember here is that this Government has been completely shambolic when it comes to the management of the property estate. I will give a couple of examples in a moment. But we also see that shambolic state of affairs continue when we have 2 members of the same political party, a very newly-formed political party, the chairman of whom is the Minister for the Environment who cannot agree with a fellow party Minister, the Minister for Children and Education, who seems to be supporting this proposition. That only seems to strengthen the argument that Deputy Gardiner has been asking for that of course it should not even just be until we have had a proper review of the property estate and potential school sites that could be used, I think it is an entirely sensible amendment and proposition which is going forward. But we should not be making any decisions until we have a proper Government which is capable of running this Island. We have this newly-formed Government party who have said: "We do not need policies because our policies are the Government Plan" which incidentally has not been drafted by their party officials; it has been drafted by independent government officials. The Chief Minister told us yesterday that the Civil Service needs to be independent, yet, they are the ones who have been unwittingly writing the Alliance Party's policy platform for them. Now we have 2 Ministers that cannot even agree on a very basic proposition about how they should proceed when it comes to the renewal or otherwise of one of the key central primary schools in St. Helier. You would have to ask: "What is going on here?" Let us look at other examples, for example, the old Les Quennevais School site and the hospital, what have they got in common, and the new Les Quennevais School site? It is because this is all one big jigsaw, there is no central planning, there is no thinking ahead because we have been not knowing for so long where the hospital was going to go, and there is still ongoing wrangling about that, the Overdale site. Then, all of a sudden, the poor residents of Les Quennevais Park in my constituency are told, as an

afterthought: “By the way, you are getting the new Overdale Hospital” and of course that is already running over budget. It was projected to be between £5 million and £15 million allocated for that and it has already come in at the top end of that, £15 million, for something which is going to be a temporary structure to house the facilities which were at Overdale only for that, presumably, to need to be taken down, knocked down, and then something else built in its place. This is not how a proper Government in a supposedly well-regulated and well-respected international finance centre should be running its own Government and public affairs; yet, the public all over the Island, whether it is in Les Quennevais or St. Helier, are being short-changed by incompetent Governments, even this new party-led Alliance Government. So I think it is entirely appropriate that we do say to this Government which cannot run a political party, let alone a party in a brewery, to take a step back and say: “Look, until you can find a proper site for this school or to find a proper plan, we are not going to allow you to reallocate any of the schools for other use in St. Helier and St. Saviour.” I am afraid that is what it has come to because we have an incompetent Government and we need a proper Government. I am sure there is a Government-in-waiting to come over and take the reins now that the outgoing Government has finally coalesced among their moribund policies.

**The Deputy Bailiff:**

You have been asked to give way for a point of clarification from Deputy Young. Are you prepared to do so, Deputy Tadier?

**Deputy M. Tadier:**

Yes.

**Deputy J.H. Young:**

Deputy Tadier, I think, if I heard him correctly, suggested that the Minister for the Environment was the chairman of the new party. Of course, that is not I. I think he probably meant the Assistant Minister for the Environment. I think that is quite important to me because obviously we are surrounded with this new world we are living in, I am fully an independent, and I try to judge on the issues. That may be illusory of course in the future but, nonetheless. Could I invite the Deputy to clarify that comment, assuming I did not mishear?

**Deputy M. Tadier:**

I welcome the opportunity to clarify that. I did get confused because, of course, Deputy Guida, the chairman of the Alliance Party is the Minister for Home Affairs. I am not sure if he is still the Assistant Minister for the Environment. I think that Deputy Young’s independent credentials as a staunch independent who neither favours one party nor another are well-known.

**4.5.8 Deputy S.W. Wickenden:**

I thought I would speak to answer the very good speech by Deputy Morel. Deputy Morel has hit the nail on the head on this proposition which is we do have the school estate review going on right now. We are looking at need, we have seen the initial works that came from the I.H.E. Department from Property Holdings, and we have been in C.Y.P.E.S. including the data about education and about need, about where children live and how close they are to their nearest school and what a type of outdoor amenity does while Property Holdings have been looking at what possible sites there are around the town bowl to be able to fit a school in. I am hoping that that work will be completed soon. I still do not know, we are doing a thorough piece of work, so we are looking to get it done. But Deputy Morel was absolutely right, the way that this proposition is worded is that no other site that is large enough to fit a modern-day school will be able to be allocated for housing or any other such thing under this proposition until that review is done. We are working our absolute hardest. At the moment, we were looking at trying to get at least one school in there and look at the need for 2, if there was a need for 2, and go down that route. This proposition is going to extend the work we are doing. We knew what the need was but now it will mean that we will need to look for the 2 sites.

We know the need is there in the future and we also need to understand that the money has to come from somewhere to be able to build these schools as well. So, we need to make sure there is money in the Government Plan. Do we try and build 2 schools at the same time? How much will that cost? There is going to be an awful lot going on in this proposition and this review now to look for 2 schools. If that is what we need, that is what it needs, but it does set out that nothing else can happen until we have got that sorted, and that is up for Members to decide. We will start to work as hard and as fast as we can to try and get the review finished as soon as we can. But let us not rush and do a terrible job, let us make sure we are doing it appropriately because that is what the children of St. Helier and this Island deserve. I just want to mention about Deputy Tadier's speech there. It came across like somebody that had watched the trailers for a movie, turned up for the credits and then tried to do a review on it. It seemed to make no sense at all. Myself and Deputy Guida are absolutely aligned that we need to make sure that we use the sites for the best use. Deputy Guida is clear that at the moment his preferred site for the fire and ambulance station would be the Rouge Bouillon site and to move to a secondary site would cause a lot of delay. But Deputy Guida is, like me, let us make sure that we do the full review so we look at it in the whole and we make sure that we choose the sites in this Island for what we need to do. There is no dissent between the 2 of us, we both understand that that is what needs to happen, and that is what is supposed to happen at all. Certainly, I want to say, Deputy Tadier talking about whether we can or cannot run a Government is the person that knows best because Reform are the party of running away.

[15:15]

#### **4.5.9 Deputy M.R. Le Hegarat of St. Helier:**

I have a few things to say in relation to why I will support this proposition. I spent 25 years both working at Rouge Bouillon Station alongside the Summerland site. From the time I arrived in 1989 until the time I left, they had then found a site for the police station. However, from the start of that venture, there was always a need for a new police station and the facilities at the fire service were clearly no better. The ambulance may have been slightly better from the point of view that their building and facilities were slightly newer. The reason I will support this is because what I have watched over that entire period of time, because I was involved at various stages of the process, was that sites came and went. Sites that would have been suitable for a new police station and potentially a new fire station or ambulance station came and went. Once gone, they can never be brought back. Therefore, look at the site at Summerland, it now has housing on. What about the consideration of that for the ambulance station to have been moved there? That is now too late. Therefore, as I say, I will support this because I do genuinely believe that we have to say, no more using sites for something else until we have sorted out this problem. We need to sort out the problem of Rouge Bouillon School, whether that is on that particular site to provide proper facilities for those children, or if it is on another site, which is identified. We need to sort that out. We also need, as everyone knows, a new fire station. The Deputy of St. Martin might be quite right in that the best site in view of the buildings, which are there already, which are listed and will be unable to be used potentially for other things. That is something that obviously I am no expert, so that is something that needs to be looked at. But those 2 elements, both the fire and ambulance and Rouge Bouillon School, need to find how they are going to have their facilities before we start to build other things on other sites, which could have been used for both of those purposes.

#### **4.5.10 Deputy R.J. Ward:**

I would like to say to Deputy Gardiner, you have to keep going, because you know what this is like, you put in a proposition for the right reasons and with the right intentions and what you get as a Back-Bencher is you get this onslaught from people who want to undermine your ideas or your thoughts. Just keep going. I will be wholeheartedly supporting this for one simple reason. The children of St. Helier need more. They need better. They have been left as a secondary thought for far too long in successive Governments and successive Assemblies. The issue has been there because people have

simply not had any sort of joined-up thinking. But it is okay, because, as we have seen with this Government, we have OneGov, so it is now all going to be joined up, so there is no way that we will not have a strategy on all of our schools and the need in the centre of St. Helier ready for when the Island Plan comes. Because that will be an integral part of the Island Plan and we will have all of this thought through and we will have a long-term and a short-term plan to address the issues of the young people of St. Helier. Oh no, sorry, we do not have that, do we? Of course we do not have that. Because we do not have OneGov, we do not have joined-up thinking. We have self-interest. We have people who are politicking at the moment for position. The formation of new parties, the sudden road to Damascus in terms of putting children first. Some people are very late to that party. I am not sure that some people have even signed that pledge that is the integral part of their Government commitments. But perhaps they have recently. This is a good proposition for one reason. It commits us to something. It commits us to taking a priority to putting the needs of our children in St. Helier first. It says: "Build a school. Build it at Rouge Bouillon and, if you cannot build it at Rouge Bouillon, find another site before you do anything else." That is what is necessary for the children of St. Helier. As the boundaries change, the schools are going to be mixed up elsewhere, so any St. Helier Deputy should be putting those needs for schools first. We heard the word "need" again and again and again and again and again. It is not the need we need identified; we all know about that. It is the actions that we need to take in order to satisfy that need. Every single day, every single month, and every single year that we do not do this, young people in St. Helier in their formative years, the formative years of their education, where their futures are shaped and structured in terms of the successes they will have, will have second-class or third-class accommodation. That is the reality. That is the underlying nature of what we are talking about here. So forget all this nonsense about it will hold other things up. Let us just speed up the process that we have now. Let us put our feet to the fire and make a decision regards the positioning of a school in the right place. I put a proposition into the Island Plan. The Island Plan is not being debated until next March. It was the first vehicle for that and I support Deputy Gardiner in this one, following this. When we had a presentation of the waterfront, I questioned where are the schools for that waterfront development? It seemed to be we did not really have to think about that. That is about Government leadership. That is about whether a Government in position has the priorities in the right place and this Government does not have those priorities in the right place. There were some voices who spoke up for this but those voices left Government because they recognised that this Government is so dysfunctional that all that was going to happen is they would be rubberstamping the wrong decisions. There is a moral compass that people need to have. It is not whether I have one set of morals and if you do not like those I will just swap them and go along with it anyway. It is about standing up for what you believe in and taking action to make that action happen. That is what we have with this proposition. So all power to your elbow, Deputy Gardiner. I think that is an acceptable phrase. I will be voting for this and let us get on with it and let us take some action as an Assembly. The people of Jersey would love to see that happen.

#### **4.5.11 Deputy J.A. Martin:**

I will try not to be too political because we have not had many of those this afternoon, have we? I just wanted to put out a word of caution here. We do have a problem with the fire and ambulance being there. I was listening on tenterhooks when the Deputy of St. Martin said he has a place to put it but he is going to keep it to himself. Yes, because you can be assured, as soon as anyone hears in any other Parish got the fire and ambulance service coming to a place next to you, there will be outrage, absolute outrage. You can vote for this today or not. Everyone wants the best for the children of St. Helier. I have been a St. Helier Deputy for 21 years. But, as Deputy Ward said, go and build a school at Rouge Bouillon, would you go and build a school next to the busiest roundabout road that you have in the town? No, you would not start there, would you? But, anyway, I do think, reading the wording and having the wording confirmed by the Minister for Education, I probably will vote for this. I am loathe to vote for it with the description that Senator Mézec gave that it was

a foregone conclusion that we would not have the fire and ambulance, we would build an extension of the school. That is not what the amendment says and that is not what it means. It will hold up everything until we find 2 solutions, where is the best place for the school or a school extension or another school and where are we going to put the fire and ambulance. As someone who got her nose bloodied over many years fighting where it went eventually, that only got through because the police do not come out all the time from the police station, unlike ambulance and fire stations, they sit there until called. I just put that out there. I did not want to make a political speech because I think we have heard enough of them this afternoon, all denying it. But absolutely spot on, this will not hurry up anymore until we find out where fire and ambulance are going. Fact, I do not like it, but it is fact.

**The Deputy Bailiff:**

Does any other Member wish to speak on the proposition? If not, I close the debate and invite Deputy Gardiner to reply.

**4.5.12 Deputy I. Gardiner:**

Again I am grateful for all the Members for contributing to this debate. I will start with addressing a couple of clear points about the proposition and amendments, because it is now an amended proposition. The 2 schools, it is not required to allocate funds in this Government Plan. The funds should be allocated only for the Rouge Bouillon School to extend, to redevelop at this site or any other site that Government will find suitable. So if we are talking about the funding and restrictions currently, it is only one school for this Government Plan and the spaces for the future. It is about having clear space and area for the school to be developed. Addressing Deputy Morel's question why did I not put the deadline; the simple reason that I have heard about reviews probably back for the 2 years, I can go back through, I have gone back through the questions. In May we have been told that it will be May/June. Also, we all know that the deadlines are not met. So from my perspective this is very clear deadlines, allocate the site, you have the information, you need to make a call. You need to make political decision and we will go forward. I understand the concerns that were expressed by Deputy Morel, by Deputy Guida, and others, about what we are doing with the sites. It is pretty clear. We have sites that are under development with planning applications, they are going forward. Such as in Ann Court it is continuing, the hospital is continuing. We do have sites, the office building, it is continued because these sites are approved, signed off, during the planning application and we will see, or building already, and then we will see where it is going. Other site was mentioned, it is the South Hill, and it has not been allocated yet. It might need to go to the Housing or it might be the best site to build a school for the south of town. I do not know and nobody knows until the Education Department will give us clarity about the catchment area. Because if you have the South Hill development and waterfront development, for south of town we do need a primary school. Where the children will go? This is the important thing that we will put in place before we will continue to build houses. I understand it is ready to go, the Rouge Bouillon fire station, yes, that surprised me now that it is ready to go, so it means the school is not ready to go. By the way, this amendment, this amended proposition, does give this flexibility. Find the correct site according to the need, according to the catchment area. As some time as a politician, we all work hard, I work hard to make a positive change and I wonder if I am making any real difference. After adopting my amendment, I do feel that we have done today a historic vote to put children first and will bring better education and better social value for many families living in St. Helier and St. Saviour. The long-term benefit is huge and this vote makes a huge investment into our children, our future, and I cannot express how I was happy for the Assembly adopted this amendment. I hope the Assembly will support the amended proposition. I would like to say thank you for Deputy of St. Martin, Deputy Higgins, Senator Mézec, Deputy Ward, Deputy Tadier and Deputy Le Hegarat, and the others who contacted me personally and expressed the support. I also thank you for Deputy Young. If we need 2 sites, let us have 2 sites. I do not know if we need 2 sites or 3 sites or maybe one site. This is what this amended proposition does. That Education come back to the Government,

said: “This is what our need is, this is our catchment area, this is what is going to be built in the area, this is the one, 2, 3, whatever sites we need. This is the clarity that is required and, as Deputy Wickenden indicated, the work is well-progressed. It has started. The proposition basically just supporting the work that they were doing and, as Constable of St. Helier mentioned in the previous speech, it just put the urgency. Yes, let us make the decision. It is never a decision. Sorry, it is never perfect decision. It should be decision, it is never perfect, but we need to move on.

[15:30]

Again, right for Deputy Young, for the Minister for the Environment said, it is like a rocket; let us start the process. Let us have some sites for the consideration of the planning inspector to consider within the bridging Island Plan. If it will be the best place that the Deputy submitted it will be the best place or it will be any other site. We know our sites. Putting education for all and children of St. Helier and St. Saviour in first, I am really proud if we will do it today and I will continue to work to improve conditions for the children, and this result can make me realise that hopefully the Back-Benchers also can work collaborative with the Government and make a positive change. I am asking for the appel.

**The Deputy Bailiff:**

Thank you, Deputy. Deputy Morel sought clarification of one matter from the speaker before she finished speaking.

**Deputy K.F. Morel:**

Thank you. It was just to ask, in her speech Deputy Gardiner said: “Let us find a couple of sites and get them put into the bridging Island Plan for the planning inspector.” The proposition does not ask for that or does not say that would be the case. I am just wondering if she could clarify how this will end up in the bridging Island Plan.

**Deputy I. Gardiner:**

It was stated for the Deputy for his question. I am happy to clarify. It is up to the Government if they would like to do this. The proposition does not ask. This comment was made based on the comment from the Minister for the Environment, Deputy Young, when he said that he would personally welcome the decision and the evidence from the Education Department that they can make their decision about the sites and to present. So it does not depend on this proposition. It is now left to the Government to take it forward and decide what they are doing. The proposition not restricting and not requesting. If it happens it will be welcome. If it does not happen it is up to the Government. It is not the proposition request. Hope it helps.

**The Deputy Bailiff:**

Deputy Young, you seek clarification of something Deputy Gardiner said?

**Deputy J.H. Young:**

It would be necessary if I could just invite the Deputy. What I was trying to say is that these issues, there are going to be issues emerging in the Island Plan run-up and they are bound to come out in the evidence to the planning inspector. The process is flexible enough to be able to take that information on board during the process of the planning inspection. After all, the safeguard is that States Members still get to decide later on with the decision on the Island Plan.

**Deputy I. Gardiner:**

Thank you for clarification. Yes, thank you.

**The Deputy Bailiff:**

The appel has been called for. In a moment the Greffier will add a vote into the chat channel of this meeting. She has done so and I ask Members to cast their votes. If all Members have had a chance of voting, then I ask the Greffier to close the voting. The proposition has been adopted.

<b>POUR: 39</b>		<b>CONTRE: 7</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst		Connétable of St. Lawrence		
Senator L.J. Farnham		Connétable of St. Mary		
Senator J.A.N. Le Fondré		Deputy J.A. Martin (H)		
Senator T.A. Vallois		Deputy S.J. Pinel (C)		
Senator K.L. Moore		Deputy L.B.E. Ash (C)		
Senator S.W. Pallett		Deputy G.C.U. Guida (L)		
Senator S.Y. Mézec		Deputy of St. Peter		
Connétable of St. Helier				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy K.F. Morel (L)				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

**The Deputy Greffier of the States:**

Those voting contre in the link: Deputy of St. Peter, the Connétable of St. Lawrence, Deputy Pinel, Deputy Guida, Deputy Martin, Deputy Ash.

**5. Draft Taxation (Income Tax, Goods and Services Tax and Revenue Administration) (Amendment) (Jersey) Law 202- (P.51/2021)**

**The Deputy Bailiff:**

The next item is the Draft Taxation (Income Tax, Goods and Services Tax and Revenue Administration) (Amendment) (Jersey) Law lodged by the Minister for Treasury and Resources. For the purposes of this debate the main respondent is the chair of the Corporate Services Scrutiny Panel and, for amendments, when we debate the Articles, the Minister for Treasury and Resources. I invite the Greffier to read the citation.

**The Deputy Greffier of the States:**

Draft Taxation (Income Tax, Goods and Services Tax and Revenue Administration) (Amendment) (Jersey) Law 202-. A law to amend the Income Tax (Jersey) Law 1961, the Goods and Services Tax (Jersey) Law 2007 and the Revenue Administration (Jersey) Law 2019. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following law.

**5.1 Deputy S.J. Pinel of St. Clement (The Minister for Treasury and Resources):**

I received a last-minute representation from Jersey Finance on last Friday. They are requesting further consultation on some aspects of these amendments to the Revenue Administration Law. Much as I would welcome the passing of this proposition today, 2 years after the original Jersey Finance Law was debated and accepted by this Assembly, I understand that Jersey Finance want further discussion. May I ask then for a deferral of P.51 to the next States sitting in September to allow time for further consultation requested by Jersey Finance?

**The Deputy Bailiff:**

Let me just consult Standing Orders now that the citation has been read to ascertain whether or not you need leave of the Assembly. Yes, you are entitled to defer the proposition at this point.

**Deputy S.J. Pinel:**

Thank you. That was the advice from the Greffe.

**6. Channel Islands Lottery: Allocation of Proceeds from 2020 (P.53/2021)**

**The Deputy Bailiff:**

Now we move on to the next item on the agenda, Channel Islands Lottery: Allocation of Proceeds from 2020, P.53, lodged by the Minister for Economic Development, Tourism, Sport and Culture. For the purpose of this debate the main respondent is the chair of the Economic and International Affairs Scrutiny Panel and, if the amendment is debated, the Minister is the main respondent for the amendment. Minister, there is an amendment by the Economic and International Affairs Scrutiny Panel. Minister, are you minded to accept this amendment?

**Senator L.J. Farnham:**

Deputy Morel will be acting as the lead on this for the Department.

**Deputy K.F. Morel:**

Yes, I am minded and would very much like to accept the amendment of the Scrutiny Panel.

**The Deputy Bailiff:**

Accordingly, I will ask the Greffier to read the proposition as amended.

**The Deputy Greffier of the States:**

The States are asked to decide whether they are of opinion to agree, in accordance with the provisions of Regulation 4(5) of the Gambling (Channel Islands Lottery) (Jersey) Regulations 1975, to agree the allocation of £1,523,936 to the Jersey Community Foundation and the Association of Jersey Charities, divided equally between them, for onward distribution in support of the Island community. To agree that, subject to (c) below the funds allocated to the Association of Jersey Charities be distributed solely to registered charities and that the allocation to the Jersey Community Foundation should be distributed on the following basis: 40 per cent of the allocation to arts, culture and heritage; 40 per cent of the allocation to sports and active lifestyle; and 20 per cent of the allocation to applied science or applied research in the fields of engineering, biology, ecology, physics, chemistry or mathematics provided that the funds are either to be used locally or for the direct benefit of Jersey, including any education from which local residents may benefit; (c) to note and approve the proposal that, out of the allocation of the funds referred to in paragraph (b) above, each of the Association of Jersey Charities and the Jersey Community Foundation shall be entitled to cover its reasonable costs for undertaking its work involved in distribution of such funds with S.L.A.s (service level agreements) to be entered into by those organisations providing that such costs amount to no more than 10 per cent of the total sums received and that any underspend at the end of 2021 be added to the amounts available for distribution; (d) to request the Minister for Economic Development, Tourism, Sport and Culture to present the S.L.A.s referred to in paragraph (c) to the States and to make copies available via the Government website.

**6.1 Deputy K.F. Morel (Assistant Minister for Economic Development, Tourism, Sport and Culture - *rapporteur*):**

I would like to start by thanking the Economic and International Affairs Scrutiny Panel for their work on this proposition and for their amendment, which I thoroughly agree makes for a better proposition. I would like to draw Members' attention to the fact that, as originally lodged, it is a very standard proposition for the distribution of the lottery proceeds from 2020. As was read in the citation, this will lead to £1.5 million being distributed to the Jersey Community Foundation and the Association of Jersey Charities. Between them, they will each receive approximately £762,000, which they will, in the case of the Association of Jersey Charities, distribute to charitable organisations in the Island. In the case of the Jersey Community Foundation, they will distribute as in the 40/40/20 split as was agreed when we passed Deputy Guida's proposition last year. I am very supportive of that. It is interesting, particularly the Jersey Community Foundation is new to distributing these proceeds. As a result has obviously had start-up costs with regard to the administrative costs of undertaking the work. While those were slightly higher than 10 per cent last year, it is entirely right that is limited to 10 per cent, as suggested in the original amendment to the proposition. So I am pleased that will now be formalised going forward. I am also very pleased, and it is something that I was suggesting before we came to this, that the S.L.A.s indeed are published and they are seen by the Scrutiny Panel and it is entirely right. I am pleased that the chair of the Scrutiny Panel and his whole panel had undertaken themselves to liaise with the Association of Jersey Charities and the Jersey Community Foundation to ensure that they were happy with these S.L.A.s being published. Obviously they are not commercial businesses, they are operating for the benefit of all Islanders, and so I was very pleased that they have indeed agreed to that. I am hoping that Members will see this as an uncontroversial proposition. It is one that we see every year, the distribution of lottery proceeds. As we now know as well, because there was a couple of years ago the possibility of this work for the distribution going off-Island, we can see now that 2 important Jersey organisations, the A.J.C. (Association of Jersey Charities) and the J.C.F. (Jersey Community Foundation), are undertaking this work themselves and, in so doing, are supporting an enormous amount of good causes across the Island. I ask all Members to support this proposition as amended.

[15:45]

**The Deputy Bailiff:**

Is the proposition seconded? [**Seconded**]

### **6.1.1 The Deputy of St. Mary:**

First, may I thank Deputy Morel for approving and agreeing to accept our amendment, which was submitted on 2 counts and very simple ones really. First, it was felt that the division as between sectors needed to be fully set out in the proposition itself, rather than in the report. This following the precedent set by Deputy Guida in relation to the last application process. The second point was as regards the service level agreements with the 2 charitable organisations making the distributions. In that respect, it is worth going back to the 2018 proceeds, at which time there was a suggestion that a commercial organisation be instructed to effect that distribution and at some cost. That particular proposition was withdrawn when other local organisations came forward to say that they would be happy to deal with this, and that is what has come to pass. The panel has had briefings and meetings with the 2 charitable organisations who explained the extent of their work more fully to us. We are very pleased with the enthusiasm, which they devote to the task, and the fees they are taking are there simply to cover the costs of distribution, which involves in some cases quite a rigorous process. The panel is very happy that the 2 charitable organisations are involved to the extent they are and equally happy that the department is agreeable to the S.L.A.s being made public. With that, you will appreciate that the panel approves its own amendment.

### **6.1.2 Senator T.A. Vallois:**

I am wondering whether the Assistant Minister could advise, seeing as he has accepted the Scrutiny Panel's amendment, part (b) refers to the funds being distributed to Jersey Community Foundation, 20 per cent of such funds will go to applied science or applied research in the field of engineering, biology, ecology, physics, chemistry or maths, provided that the funds are either to be used locally or for the direct benefit of Jersey, including any education from which local residents may benefit. So my question, if the Assistant Minister may be able to answer, is how or what support will Economic Development or even the Education Department be giving or providing to the Jersey Community Foundation to ensure that there is a robust methodology for anybody that is accessing that funding for the benefits of education around those areas? The reason why I ask that question is because we have had issues in the past and historically around having grants or funds that are not necessarily proportionate or equal or fair, to ensure that there is a level playing field for people to access it. That comes on to my last point is the importance of publishing the ability for people to access such funds to further their studies in these particular areas.

### **6.1.3 Deputy R.J. Ward:**

Some of the things I am going to say might touch a little on what has just been said. There are a couple of genuine questions I have here because I simply do not know the answer. Is 10 per cent of a cost for the administration, is that comparable for this sort of work and this sort of process? Because it does seem that 10 per cent of the charitable funds will go towards just simply administrating the distribution of those funds. Is that comparable with charities across the world, across similar jurisdictions and so on? Is there a Jersey premium on that, is it more expensive? I would just like to know about the understanding of that with the accepted amendment. Also, I have to raise the point regards the allocation to applied science or applied research in the fields of engineering, biology, ecology, physics, chemistry or maths. I must say I have no problem with that at all, as you would imagine, provided that funds are either to be used locally for the direct benefit of Jersey, including any education for which local residents may benefit. Is that going to be a post-graduate funding sort of process? Can you envisage that way? I am just keen to get my head around the detail of what this might look like. There is particularly a marine environment research that goes on, I know that. But I am not sure about the fields of engineering or mathematics that happen on the Island unless we have a great mathematician somewhere that we fund to do some incredible research that benefits humankind. Does it extend that far? So it is just a question of getting some picture of the way that

works. I wonder if the Assistant Minister can get some of that detail in there. That is just about it. Just a couple of questions really.

**The Deputy Bailiff:**

Does any other Member wish to speak on the proposition? If not, I close the debate and invite the Assistant Minister to reply.

**6.1.4 Deputy K.F. Morel:**

If I can start again by thanking the Deputy of St. Mary and his panel for their work on this proposition. I would also like to thank Senator Vallois and Deputy Ward for their questions and their speeches. I will start with Senator Vallois as she went first. It is interesting how the department is supporting the J.C.F. The J.C.F. is setting up specialist committees, because as I understand it the J.C.F. recognised the difficulty that they may have in understanding whether one research topic was more beneficial than another. So they are setting up specialist committees to advise them on allocation. Obviously from the perspective of the Government departments, while we stand ready to provide help when requested, it is really important that this whole process is depoliticised. So we are not directly advising them on how to distribute those proceeds or where to distribute those proceeds. That is what these specialist committees are for. As for the publication or the promotion of these funds, again that is down to the Jersey Community Foundation and the Association of Jersey Charities to do that. They advertise and use their own methods for letting people know that these awards or these monies are available to them. Deputy Ward, the 10 per cent, off the top of my head from 2019, it was slightly more than 10 per cent that was being used. I had also identified that we wanted as little to go on administration as possible, while also recognising that we have asked Jersey organisations to undertake this work specifically to keep that work within Jersey. Deputy Ward called it a Jersey premium. Rather than a Jersey premium, I would say it is almost an isolation premium. Those organisations have to work without any wider networks. They cannot pull on other branches, they do not have economies of scale, that sort of thing. So 10 per cent is seen as a fair, not starting point, because J.C.F. started slightly higher than that last year with their setup costs. But a fair point from now on. Certainly from my perspective I will be looking to see if we can bring that down further as we go forward. Because the less we have spent on administration, the better. But, at the same time, we do want the J.C.F. and the A.J.C. to undertake this in an entirely professional manner. So they do need the means to be able to do it. With regard to whether it is a post-graduate funding mechanism, I do not believe there are guidelines in place in that respect and so in that sense, yes, it could be. The wording of that proposition comes from the wording of the proposition that the States Assembly passed as lodged by Deputy Guida last year. Deputy Ward most likely took part in that debate and so that is where the exact wording of mathematics and the other sciences comes from. It is from that original proposition. I am very happy to get back to the Deputy to confirm whether or not post-graduate funding is something that the J.C.F. would consider providing support for through this. Because in my view it is something, but they may have a different view, so I will check that for him. With that, I maintain the proposition and ask for the appel please.

**The Deputy Bailiff:**

The appel is called for. In a moment the Greffier will add a vote into the chat channel of this meeting. She has done so. The vote is open and I ask Members to cast their votes. If all Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The proposition has been adopted unanimously.

<b>POUR: 43</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C Ferguson				

Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Martin				
Connétable of St. John				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

## **7. Draft Elections (Miscellaneous Amendments) (Jersey) Law 202- (P.56/2021)**

### **The Deputy Bailiff:**

The next item is the Draft Elections (Miscellaneous Amendments) (Jersey) Law, P.56, lodged by the Privileges and Procedures Committee. For the purposes of the debate the main respondent will be the chair of the Corporate Services Scrutiny Panel. I ask the Greffier to read the citation.

**The Deputy Greffier of the States:**

Draft Elections (Miscellaneous Amendments) (Jersey) Law 202-. A law to make provision about elections, and for connected purposes. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following law.

**The Deputy Bailiff:**

I call upon the chair of P.P.C. (Privileges and Procedures Committee) to open the debate.

**7.1 Deputy C.S. Alves of St. Helier (Chair, Privileges and Procedures Committee):**

I am very pleased to be here today proposing the second tranche of legislation, which P.P.C. believes will bring about positive changes to our electoral system and encourage greater participation in elections among Islanders. Since the Assembly approved P.17/2021 in March, P.P.C. has undertaken further consultation with all key stakeholders, including States Members, the Council of Ministers, Scrutiny Liaison Committee, the Judicial Greffe, and Parish secretaries, and made some changes to its draft as a consequence. This legislation is a response to the Election Observers Mission recommendations but is also takes into consideration feedback from P.P.C.'s broader consultation and implements changes resulting from a number of States decisions since 2018 to adopt propositions relating to election procedures, including the amendment of the Connétable of St. Martin to P.139/2020, the composition and election of the States proposed changes. As we have spoken to stakeholders, it has become clear that there is a great deal of confusion surrounding the practical application of the changes we are proposing. Before we become entangled in the debate and the separate Articles, it is very important to highlight what will be happening at the elections in 2022. What will be different and what will still be familiar. Hopefully this will appease some of the concerns expressed to us over the last few months. The Parishes will remain responsible for their own electoral registers. Even if you are now part of a larger constituency that includes other Parishes, all voters will register in the Parish they live and, with the exception of St. Helier residents where we have had to alter the boundaries for the town districts, everyone will cast their vote at the polling station at which they have always voted. The count will be undertaken where they have been traditionally, so each Parish will hold their own count and announce their results. But where they are part of a larger constituency the results will then be combined, as was the case with the Island-wide mandate. Manifesto documents will be circulated to households across each constituency showing all candidate details for those standing as either District Deputies or Parish Connétales.

[16:00]

Candidates in larger constituencies will be able to be proposed and seconded by people who live in their constituency. For example ...

**The Deputy Bailiff:**

Deputy Alves, you have just frozen. Can you hear me? We lost you there for a little while.

**Deputy C.S. Alves:**

Apologies. What was the last thing you heard?

**The Deputy Bailiff:**

We just got past the bit about votes being combined across the Parishes and people being proposed and seconded in the whole district. That was the last thing you were talking about.

**Deputy C.S. Alves:**

Thank you. What are the main changes we are proposing? I will go into greater detail when we come to the individual Articles. But, in summary, the main changes are as follows: the most important change of part 1 of the Public Elections Law is the creation of the J.E.A. (Jersey Electoral

Authority). The E.O.M. (Election Observers Mission) recommended that the Island should have its own authority and at first we resisted the idea. We considered the existing 3 main pillars currently responsible for the elections in Jersey, namely the Parishes, Judicial Greffe and States Greffe, work well together and it would be unduly bureaucratic to add in another layer of administration. However, after attending the C.P.A. (Commonwealth Parliamentary Association) Election Observer Training in the autumn of 2019, we changed our minds and now recognise the benefit of having a separate body, which can provide independent oversight of the entire election process. Of course we value the sterling work undertaken by the Parishes and both Greffes and want to continue with their involvement, but consider it would be useful to give those involved in administering the elections access to a politically-neutral and independent arbiter to determine candidate disputes, complaints, address conduct issue among candidates, and also oversee the review of election expenditure by candidates. The proposals offer a light-touch approach and maximise the existing expertise and knowledge of the Parishes and the 2 Greffes by having them represented as ex-officio members of the J.E.A. The J.E.A. will provide impartial oversight of the electoral legal framework and process and co-ordinate election activity. Taking away some elements of direct administration, particularly in relation to the nomination process. Although the practical operation of elections will still rely on the incredible support given by the Parishes, States Greffe and Judicial Greffe. The J.E.A. will be appointed on the recommendation of P.P.C. following an appointment process overseen by the Greffier of the States and the Judicial Greffier. P.P.C. will be required to present a report giving notice to the States at least 15 days before appointments are made. The J.E.A. will consist of a chair and at least 2, but not more than 4, ordinary members, as well as the Judicial Greffier, the Greffier of the States or Deputy Greffier, an electoral administrator, who will be nominated from among the Parish electoral administrators, as ex-officio affiliate members. The J.E.A. will be appointed for a fixed term of not more than 4 years and no person may be a member for more than 12 consecutive years. The J.E.A. membership criteria excludes anyone who has been a States Member in the 12 months preceding their appointment, States employees and anyone who works in an area from which a benefit of membership of the J.E.A. could be derived. The positions are unpaid. The next important area is the nomination process. The changes proposed within the Elections Law will position the J.E.A. within the nomination process, which has remained pretty much the same for many decades. Changes in the forthcoming election provide an opportunity for review and reform beyond, but including, redrafting the nomination form. Not only is the form unsatisfactory and confusing, the verification process is historically fraught with potential for error and the nomination meetings themselves do not provide much insight into the candidates' views as they usually consist of the proposers speaking about the candidates' background and not their policies or indeed their politics. We feel the proposals provide a fantastic opportunity to fire the starting pistol on an election with a fanfare generating public interest from the get-go while also gaining a head-start on ensuring candidates are aligned in terms of what is required of them administratively. The committee has redesigned the nomination process. The nomination form's content is now prescribed in law and includes a declaration that the candidate has read and agrees to comply with the code of conduct published by the J.E.A. The J.E.A. will receive all nomination forms centrally and liaise with the Parishes to check the validity of the details given against the electoral registers. Rather than having to rush to get validation on nomination night, forms can be submitted for several days in advance, thereby allowing any anomalies to be addressed with the candidates concerned before an official announcement is made by the J.E.A. In this way, no candidates should find themselves excluded from the elections process due to the incorrect completion of the nomination form. Candidates will receive notification of successful verification as and when that is secured. In the event of errors on form completion, candidates will be alerted and have the opportunity to make the necessary corrections to secure successful verification. Furthermore, the existing practice of nomination evenings at which speeches are made by those nominating candidates will no longer be necessary although districts can make arrangements for them if they choose. P.P.C. wants to allow each district to have the same autonomy over whether to hold an introduction of candidates meeting, as the

candidates have over the arrangements for any hustings events. The full list of candidates will be announced centrally and published online at 5.00 p.m. on Wednesday, 18th May. That will be the official start of the election campaign. Standing as a candidate takes some courage and we should be supporting those brave enough to enter the political arena and making sure no good candidate is prevented from facing a public vote simply because there was a mistake on their form. As part of the nomination process, the J.E.A. will provide candidates with a code of conduct, which they will be requested to sign up to. This will cover general conduct throughout the campaign period and also behaviours in and around the polling stations on election day. In this draft, we have restricted the number of candidates and their representatives allowed to be present outside a polling station. This is in direct response to voter feedback who preferred pre-poll because of the lack of candidates and representatives that were present. We have also proposed that the electoral administrator for each Parish should change from the Connétable to the Parish secretary or another nominated employee of the Parish. Again, this is to ensure a detachment from the election process for Connétales as recommended by the E.O.M. The Parish secretaries or other Parish nominated employee will chair any nominations meeting, which might be held. The chairing of hustings meetings is not prescribed in law and will be a matter for each constituency to determine. The J.E.A. will also have the responsibility for the oversight of election expenditure and for auditing the submissions to ensure compliance. Candidates will be required to sign a disclosure as part of the nomination process giving access to their expenditure details. We have extended the deadline for submissions to 4 weeks after the election day and reconfigured the offence of failure to deliver a declaration so that no offence is committed if there is a reasonable excuse for that failure to deliver a declaration. A distinction made between public and Parish elections, we concentrated efforts on the recommendations of the E.O.M. because they were time-critical. The Venice Commission advises that changes to Electoral Law should not be made in the year preceding an election. We imagine the J.E.A. will evolve and its remit could be expanded over time where a need is identified. Initially, the committee has determined that its primary role will be to provide oversight of public elections, but its involvement could expand in time to Parish election processes, subject to discussions with the Comité, in which case a further tranche of legislative amendments can be progressed. Other changes such as “none of the above” and postal voting. Most of these other changes such as the inclusion of the “none of the above” on the ballot and the relaxing of access to postal votes are designed to make the process more appealing to the public. The draft extends the nomination period by an additional 2 days for any district or Parish where sufficient candidates come forward to fill the vacancies. If the number of candidates is equal to or less than the number of vacancies, then there is a provision for the “none of the above” to be included on the ballot papers. “None of the above” will allow people to use their voice without spoiling a vote and will also ensure no one is elected unopposed. Whatever your views on that, it will give everyone the chance to fight an election and remove any stigma, which some Members have expressed they felt from not having faced an election. There are provisions in this draft law, which address what happens if “none of the above” receives more votes than a candidate or candidates. If “none of the above” tops the polls then a further election will be required. However, if “none of the above” is third, for example, then the remaining candidates are elected and the votes cast for “none of the above” are considered an abstention or a statement of position. It essentially allows voters the chance to express their opinion without spoiling their vote. Photos of all the candidates will be made available in each polling booth and the definitions of a spoiled paper and a doubtful vote are made more explicit for the purposes of the return. The J.E.A. will oversee a revamp of the returns form so that it is clear and concise and easier for the *Autorisés* to complete. We do not know where we will be in a year’s time and P.P.C. are keen to COVID-proof the elections as much as possible by enabling more people to use postal voting as an option. We have therefore changed the existing postal voting provisions so that this option is available to anyone who chooses to postal vote. Just as they can currently decide to access pre-poll if it is more convenient. At present, it is only available for people who will not be in the Island during the election period. In their 2020 elections, Guernsey saw an 80 per cent turnout and the majority of votes cast were by post. Since 2001, anyone on the electoral

register in the U.K. has been able to apply to vote by post instead of in person at a polling station without providing a reason and the numbers choosing this option have steadily grown to 18 per cent of all electors in 2019. The proportion of postal voters returning their ballot papers in the U.K. always exceeds the turnout among in-person voters. According to the U.K. Electoral Commission, there is no evidence that mail balloting increases electoral fraud as there are several anti-fraud protections built into the process designed to make it difficult to impersonate voters or steal ballots. As with all postal voting systems, it is essential that the integrity of the ballot is protected and the electorate receive clear guidelines about how to complete the statement of authenticity to avoid spoilt or compromised votes. We have been in discussions with a company, which supported the Guernsey elections, who also have extensive experience in the U.K. We believe the system is sufficiently robust. But let us be clear, voter fraud is a criminal act and anyone found to have interfered with someone else's vote will face criminal charges. Those who find themselves unwell on election day will still be able to apply for a home vote. The broadening of access to postal voting will ensure Islanders have a choice of options as to how they cast their vote. Part 2 and 3, which deal with the changes to the States of Jersey Law and the Connétables Law. The second and third parts of the draft law make changes to the States of Jersey Law 2005 and the Connétables (Jersey) Law 2008 to align the disqualification criteria for Deputies and Connétables. This addresses E.O.M. recommendation 7. Among the reasons listed to disqualify a person from being a Deputy or Connétable is the person having become bankrupt or having made a debt settlement with his or her creditors. These restrictions are lifted after a statutory period but the EOM did not consider such restrictions to be objective and reasonable in the sense of the U.N. (United Nations) International Covenant on Civil and Political Rights. The committee, after some consideration, has decided to maintain the inclusion of bankruptcy restrictions.

[16:15]

It seems reasonable to expect that somebody who will be responsible for public funds should demonstrate prudence in their own financial activities. Changes have been made to the wording of Article 4C to make it explicit that a person who is elected Connétable ceases to hold office upon becoming a disqualified person. The qualification criteria in the existing legislation only related to a person's election as Connétable and not to their subsequent behaviours in office. The new Article 4C addresses this anomaly and ensures parity with the disqualification criteria for Deputies in office. Part 4 is the political parties' registration. P.P.C. has engaged a consultation to review Standing Orders to take account of the development of political parties following on from the adoption by the Assembly of the amendment of the Standing Orders of the States of Jersey to provide for political parties, P.166/2020, on 19th January 2021 which asked the committee to investigate the appropriateness of bringing forward any amendments to enable recognition that some elected Members would be affiliated with a party by the end of 2021. The changes suggested in this draft is small and was requested by Senator Mézec. It simply substitutes the word "chair" for the word "leader" and essentially means that a political party's leader is no longer required to be one of the main office holders for registration purposes. Part 5 is the Public Elections Expenditure and Donations (Jersey) Law 2014. The creation of the J.E.A. will enable better assessment of election expenditure and allow for closer intervention. Since the beginning of 2019, the Assembly has agreed 3 propositions on changes to the law relating to election expenditure and political donations. These were the Public Elections Expenditure and Donations (Jersey) Law 2014 Proposed Review, P.7/2019, brought by Deputy Maçon of St. Saviour, the Public Elections Expenditure and Donations (Jersey) Law 2014 Proposed Amendments, P.6/2019, lodged by Deputy Young of St. Brelade and the Public Elections Declarations of the Donations Exceeding the Current Threshold for Declaration in Law, P.120/2019 which was lodged by the Connétable of St. Martin. The changes to the Public Elections Expenditure and Donations (Jersey) Law 2014 proposed by the committee addresses the requests made within those 3 propositions as well as having regard to the E.O.M. recommendations. Candidates will be required to sign a disclosure as part of the nomination process so that the J.E.A.

can access expenditure details. The election expenditure regulated period will now be counted from 4 months before the nomination date rather than just the nomination date onwards. This is to widen the net in relation to pre-candidacy election related purchases. It is recognised that this is a very difficult area to regulate and relies upon a candidate's honesty and integrity. The committee accepts that there will be some expenditure which will be difficult to define but it is hoped that the spirit of these changes will be welcomed and the potential for an audit will encourage candidates to be as meticulous as possible with accuracy and transparency of their returns. The committee also proposes an increase to expenditure limits based on R.P.I. (retail price index). Candidates should not be disadvantaged because they are less affluent than others and votes.je will provide a wealth of support to ensure there is an equality of arms. The manifesto documents specific to each district will be delivered to all households and there is scope for every candidate to have a full page to promote their ambitions and views. Some consideration was given to the use of the word "expenses" from the law as, historically, this has caused confusion with some candidates expecting to claim some form of grant or reimbursement to meet the election costs they incurred. Mindful that candidates will be obliged to confirm that they have read the code of conduct in which it will be made expressively clear that the costs associated with standing for election cannot be reclaimed, the committee does not consider it unreasonable to expect them to understand the legal requirement to which they are subject as a result of standing for election so we have kept the word "expenses" in the law. The committee understands that in 2014 and 2018, Reform Jersey declared their election expenditure by means of a party declaration rather than by showing expenditure by candidate. This was permitted by the Judicial Greffe but was not in line with the legal requirement which is for each candidate to submit a separate declaration. The committee considers that aggregation could cause unwelcome distortions in the system for regulating election expenditure. A party could stand a large number of candidates and focus all of its expenditure on a small number of them but this would not be apparent if declarations were made on a party basis rather than an individual basis. As a consequence, P.P.C. has maintained the obligation on candidates to submit individual declarations, even if they are standing as part of a political party. Where there are shared costs, for example, where several candidates are mentioned in a leaflet or in a banner, then the costs per candidate will need to be apportioned accordingly. The J.E.A. will be tasked with outlining the guidelines it will work to in respect of election expenditure among parties as one of its priorities along with the setting of a code of conduct for candidates. At present, the Judicial Greffe is able to use discretion when assessing the apportionment of expenditure across party candidates and it will be important for the J.E.A. to have a robust set of guidelines to ensure fairness and parity for all candidates. The provisions of the law will allow the J.E.A. to request additional information from party treasurers if it has any questions about campaign expenditure in relation to one or more candidates and how this has been apportioned. A candidate's expenditure declaration after an election must include donations of over £145 showing who made the donation, the amount and whether the donation took the form of money alone or goods and services. Anonymous donations must be given to the treasurer of the States and the expenditure declaration should include the total of any such donations. The same rules apply to third parties, people or groups who are not candidates but who seek to promote or prejudice the electoral prospects of a candidate or candidates. The Connétable of St. Martin's proposal was that donations should be declared within 2 days of receipt. The committee have concluded that this timescale was very short and instead suggests that this should be within 4 weeks of receipt, which would align with the timescale proposed for the declaration of anonymous donations and the submission of expenditure declarations after each election. The committee is also proposing that a series of small donations to political parties from the same donor should be reported on a quarterly basis to the J.E.A., which would publish them online. Such donations can be aggregated for reporting purposes so that 2 separate donations by the same person in the same 3-month period are treated as a single donation of the total amount and may exceed the threshold on that basis and, therefore, be reportable even if each individual donation is of an amount below the threshold. The threshold limit has not been set within this body of legislation as the committee wishes to consult further on this and, instead, suggests the

limits will be set by regulation but will not be lower than the present threshold for donations to an independent candidate. Another effect of taking this approach is that the requirement for the declaration to include the sum of anonymous donations requires it to be sent to the treasurer of the States under a separate provision is lost. The committee has included a similar provision in the law so that within the same period within which the donation must be sent on to the treasurer within 4 weeks of receipt, the treasurer of the party must also report it to the J.E.A. Failure to comply and submit accurate returns could lead to disqualification if a candidate is convicted of certain offences under the 2014 law following a successful criminal prosecution. However, the committee has reconfigured the offence of failure to deliver a declaration so that no offence is committed if there is a reasonable excuse for failure to submit their records on time. Candidates will also have the comfort of being provided with proof of receipt by the J.E.A. when they submit their expenditure forms. The J.E.A. will be responsible for the publication of candidates' expenditure returns online which will then be available for public inspection. The committee's view is that the information could be added to the vote.je website, which is already well regarded as an essential resource for information about elections in Jersey. Although candidates will be informed of the deadline for the submission of expenditure declarations as part of the nomination process, the J.E.A. will also contact candidates 5 working days before the deadline as a reminder. At present, candidates who run unopposed are not required to submit a declaration of expenditure. P.P.C. considers that this will become obsolete if the inclusion of "none of the above" on the ballot papers is approved but if that is not endorsed by the Assembly, then the committee will bring forward additional changes to the law in order that all candidates will be required to submit a declaration of expenditure. I would like to thank the committee for their 4 amendments which P.P.C. have considered and are happy to accept. I am very grateful for their suggestions, which I think will enhance the legislation. I know that there are those who still think that our efforts will come to nothing and voter turnout will remain terribly low in Jersey. I sincerely believe that will not be the case and that all of the changes P.P.C. has suggested will reinvigorate our electoral system but it is up to Islanders to make that a reality. P.P.C. will do its best to ensure people of Jersey understand the new system. We will provide practical information about how to stand for election, how people can register, where they need to go to vote, details about the candidates, how to vote and how the results will be announced but, ultimately, Islanders need to see voting as an expression of their commitment to Jersey. As Barack Obama said: "There is no such thing as a vote that does not matter." P.P.C. believes the changes we are proposing will let every eligible voter know that their voice is important to this Assembly. We want them to be heard and we believe that everyone's vote really does matter. So with that, Sir, I urge Members to propose the principles.

**The Deputy Bailiff:**

Thank you, Deputy. Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? If no Member wishes to speak on the principles, then I close the debate on the principles and, in a moment, the Greffier will add a vote into the chat channel of this meeting. The vote is now open and I ask Members to cast their votes on the principles. If all Members have had the opportunity of casting their votes, then I invite the Greffier to close the voting. The principles have been adopted.

<b>POUR: 40</b>		<b>CONTRE: 3</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst		Senator S.C Ferguson		
Senator L.J. Farnham		Connétable of Trinity		
Senator J.A.N. Le Fondré		Connétable of St. Mary		
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				

Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

**The Deputy Greffier of the States:**

Voting contre in the chat was the Connétable of St. Mary and in the link, Senator Ferguson and the Connétable of Trinity voted contre.

[16:30]

**The Deputy Bailiff:**

The principles, having been adopted under Standing Order 72, I am required to ask the relevant Scrutiny Panel if they wish to consider this matter. Senator Moore, it is not clear to me which Scrutiny Panel might necessarily be relevant in these particular circumstances and, as president of the Scrutiny Liaison Committee, I need to take your advice in that regard. Do you have any views on this point?

**Deputy J.M. Maçon:**

It is normally Corporate Affairs when it is P.P.C. legislation.

**The Deputy Bailiff:**

Thank you, Deputy Maçon. Do you wish to scrutinise this matter?

**Deputy J.M. Maçon:**

I am not on that committee; it must be the vice-chair that will need to answer.

**The Deputy Bailiff:**

Forgive me. Does anyone who is a member of that committee able to make decisions?

**Deputy S.M. Ahier of St. Helier (Vice-Chair, Corporate Services Scrutiny Panel):**

I am vice-chair of the Corporate Services Committee and we do not wish to call it in. Thank you.

**The Deputy Bailiff:**

Chair, how do you wish to propose the Articles in Second Reading? There are 106 Articles and 2 schedules. There are 4 amendments from the Comité des Connétables, one to Article 7, 82, 102, 103, another amendment to Article 10, another to Article 12 and a final amendment to the second schedule. You have indicated in the course of your speech on the principles, Chair, that you accept the amendments. Is that right?

**Deputy C.S. Alves:**

Yes, that is right.

**The Deputy Bailiff:**

Does any Member object to taking the Articles as amended? Thank you. Chair, how do you wish to propose the Articles?

**7.2 Deputy C.S. Alves:**

As you said, there are 106 Articles. Several deal with major changes, which I described in my earlier speech, so I propose to take them in tranches and will answer any questions that Members have. I know that some elements will be more controversial than others. Can I propose to take Articles 1 to 6 first *en bloc*? Article 1 changes the short title of that law, so that refers to elections rather than public elections. This reflects a change in terminology provided for later in the draft law making a clear distinction between elections for Members of the States Assembly, Deputies and Connétables, which are described as public elections, and elections for Centeniers and Procureurs du Bien Public, which are described as Parish elections. Article 2 amends the list of definitions to make the distinction between public elections and Parish elections and to include a definition of spoilt ballot paper. Articles 3 and 4 amend Articles 2 and 4 of the 2002 law to reflect the new terminology of public and Parish elections. Article 5 recognises the fact that postal voting is available at public elections only. Article 6 inserts a new Article 7ZA in the 2002 law, which requires electoral administrators to prepare, in relation to each of their electoral districts, a list of properties at which no voters are registered. The electoral administrator must provide the list for an electoral district to each candidate standing at an election for a constituency, which is or includes that district. The rationale for this is that candidates may find, when knocking on doors, the residents of the properties are eligible voters but not yet registered. This will no longer be required in the longer-term when changes to the electoral registration process come forward. I propose Articles 1 to 6.

**The Deputy Bailiff:**

Are the Articles 1 to 6 seconded? [**Seconded**] Does any Member wish to speak on Articles 1 to 6?

**7.2.1 Connétable D.W. Mezbourian of St. Lawrence:**

Draft Article 6 on page 42 proposes the insertion of Article 7ZA in the Public Elections (Jersey) Law 2002. This Article will require the preparation of an electoral register before 1st November showing the units of dwelling accommodation in respect of which no person is registered as an elector. The report of P.P.C. does not amplify the purpose of this register although the Article provides that each candidate in an election should receive a copy. However, there are a few points to be considered. A candidate is a person who has been admitted as a candidate in an election. The report to P.56/2021 gives a suggested timetable for the 2022 elections. Nominations will be announced on Wednesday, 18th May 2022, so a person is then a candidate. We heard that a moment ago from the chairman. It is only after this announcement that a candidate may receive the electoral register. The Article 7ZA register is to be prepared before 1st November. There may well be dwelling accommodation with no person registered as an elector on that day. But as each person has a duty to register when they are entitled to be an elector, it is highly likely the situation for that property may change between 1st November and 18th May 2022. The information will therefore be over 6 months out of date. My question to P.P.C. is to ask them whether they have considered the data protection implications of providing potentially out-of-date information to candidates. A candidate in an election is also entitled to a copy of the electoral register in force for that election. This register is the one that closes at midday on the day before nomination day. But it also includes the supplementary register. This electoral register is arranged in street order as well as in alphabetical order of electors. The street order register does only show the addresses where there is an elector registered. That is what is set out in Article 6(2) of the Public Elections (Jersey) Law 2002. If P.P.C. and States Members wish candidates to have a complete list of dwelling accommodation showing the addresses with and without electors, this should be, I would suggest, provided by amending Article 6(2) and not by introducing a new register as proposed here in Article 7ZA. My concern is that the register prepared under Article 7ZA would differ from those prepared for the elections. A property could appear on both lists or indeed on neither of those lists if persons are added or removed as electors in the interim. If the amendments in P.56, which we are debating now, extend the regulation-making powers of the States in relation to the Public Elections Law, the Assembly should I believe consider rejecting draft Article 6 on page 42 and thereby not inserting Article 7ZA. I submit that instead it should make a future amendment to Article 6(2) of the Public Elections Law. I would ask the chairman of P.P.C. to consider that very carefully and to respond to the points that I have made. I would just reiterate that in my view it would be better to reject Article 6.

**The Deputy Bailiff:**

Does any Member wish to speak on Articles 1 to 6? I call upon the Chair of P.P.C. to reply.

**7.2.2 Deputy C.S. Alves:**

I would like to thank the Connétable for raising those issues. This should not be required if the electoral register project comes to fruition, which we are hoping it does. But given the delays that there have been with COVID across Government, we cannot guarantee it, which is why we have brought it forward in this form. However, I recognise that if the Assembly are not happy with the new register then I am happy to take the Articles separately. I do not want to cause any confusion. I just wanted to address the point about the data protection. It is my understanding that each candidate has to register with the Data Protection Commissioner. To have access to the information, they have to be registered, because I remember doing it in the last election. Can I suggest that we take Articles 1 to 5 and take 6 separately?

**The Deputy Bailiff:**

Is there any objection on the part of any Members for dealing with Articles 1 to 5 inclusive on a standing vote?

**Deputy J.A. Martin:**

Yes, it is very important.

**The Deputy Bailiff:**

In that case the Greffier will place a link in the chat in relation to Articles 1 to 5 inclusive. He has done so and I ask Members to cast their votes. If all Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. Articles 1 to 5 have been adopted in Second Reading.

<b>POUR: 38</b>		<b>CONTRE: 2</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst		Senator S.C Ferguson		
Senator L.J. Farnham		Connétable of St. Mary		
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

Shortly the Greffier will add a vote into the chat channel of the meeting in respect of Article 6. She has done so and I invite Members to cast their votes in respect of Article 6 of the draft law.

[16:45]

If all Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. Article 6 has been adopted in Second Reading.

<b>POUR: 27</b>		<b>CONTRE: 10</b>		<b>ABSTAIN: 0</b>
Senator L.J. Farnham		Senator I.J. Gorst		
Senator J.A.N. Le Fondré		Connétable of St. Lawrence		
Senator T.A. Vallois		Connétable of St. Brelade		
Senator K.L. Moore		Connétable of Grouville		
Senator S.W. Pallett		Deputy of St. Martin		
Senator S.Y. Mézec		Deputy G.J. Truscott (B)		
Connétable of St. Helier		Deputy K.F. Morel (L)		
Connétable of St. Peter		Deputy G.C.U. Guida (L)		
Connétable of St. Martin		Deputy of Trinity		
Connétable of St. John		Deputy of St. John		
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy M. Tadier (B)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy of St. Peter				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

Chair, how do you wish to proceed in relation to the balance of the Articles?

### **7.3 Deputy C.S. Alves:**

Can I propose Article 7 separately?

#### **The Deputy Bailiff:**

Yes.

### **Deputy C.S. Alves:**

Article 7 as amended by the Comité makes amendments to Article 12 of the 2002 law, which are consequential on the changes to the nominations process for public elections, reflecting the fact that this will in future be different from the nomination process for Parish elections. I propose the Article.

#### **The Deputy Bailiff:**

Is the Article seconded in Second Reading? [**Seconded**] Does any Member wish to speak on Article 7? If no Member wishes to speak in relation to Article 7 then I invite the Greffier to place a vote link in the chat. She has done so and accordingly I invite Members to cast their vote. If all Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. Article 7 has been adopted in Second Reading.

<b>POUR: 37</b>		<b>CONTRE: 1</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst		Senator S.C Ferguson		
Senator L.J. Farnham				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

Chair, how do you wish to proceed in relation to the next tranche of Articles?

**Deputy C.S. Alves:**

I would like to do Article 8 separately and then 9 to 12 together.

**The Deputy Bailiff:**

So Article 8 dealing with the Jersey Electoral Authority?

**7.4 Deputy C.S. Alves:**

Yes. Article 8 is a major change and makes provision for the establishment of the Jersey Electoral Authority, the J.E.A., and some of its key functions. It inserts a schedule in the 2002 law, which makes provision for the constitution and proceedings of the J.E.A. In summary, this Article provides that the J.E.A. must prepare a report on the administration of each ordinary public election and may prepare a report on the administration or a public by-election. Any report must be submitted to P.P.C. within 6 months of the election to which it relates and must include any recommendations of the J.E.A. as to changes in the law and practice relating to elections. In effect, we are creating our own E.O.M., which will oversee the elections and monitor compliance with international standards and best practices for elections and election legislation. The law provides that the J.E.A. must prepare and publish a code of conduct for candidates. As part of the process of nomination a prospective candidate at a public election must declare that he or she has read and agrees to comply with the code of conduct. It provides that J.E.A. may take such steps as it considers appropriate for resolving complaints made by a candidate at an election about either another candidate or a person carrying out functions in relation to the election. The States may by regulations make further provision about the functions and powers of the J.E.A. on receipt of complaints and the procedure for dealing with them. There is provision for the chair and an ordinary member of the J.E.A. to attend pre-poll facilities, polling stations and the count, for the purposes of observing a public election. The new schedule to the 2002 law is contained in schedule 1 and provides that J.E.A. is to consist of (a) a chair; (b) between 2 and 4 ordinary members; (c) a Parish representative under paragraph 5 of the inserted schedule, which will be a Parish secretary who is nominated by the secretary of the Comité des Connétables after consultation with all those eligible for the role; (d) the Judicial Greffier; and (e) the Greffier of the States. It also makes provision about the selection and appointment and terms of members of the chair and ordinary members of the J.E.A. and includes provision about its arrangements and proceedings. The States may by regulations make further provisions about the proceedings of the J.E.A. under paragraph 7 of the inserted schedule. I propose Article 8.

**The Deputy Bailiff:**

Are Article 8 and Schedule 1 seconded? **[Seconded]** Does any Member wish to speak on Article 8 and Schedule 1 to the law?

**7.4.1 Deputy J.M. Maçon:**

Just very briefly, I absolutely support P.P.C. in bringing this mechanism forward. I have been the chair of the Privileges and Procedures Committee during a public election and you do get complaints referred to you. It is a very difficult position to be in, whether a candidate or a Member, to then try to have to deal with complaints on other candidates during an election. For example, I had one where there was a poster promoting the use of cannabis by a school. Someone made a complaint thinking that was inappropriate. But of course all that is the responsibility of the candidate, it is not of P.P.C. in order to deal with. In the end we managed to resolve the matter. But it does make it very difficult for candidates in an election to try to enforce things on other candidates during an election. This mechanism that P.P.C. is proposing I thoroughly welcome and it is an absolutely correct step forward.

**The Deputy Bailiff:**

Does any other Member wish to speak on this Article and the associated schedule? If not, then I invite the chair to reply.

**7.4.2 Deputy C.S. Alves:**

I do not have much to add other than to thank Deputy Maçon for his contribution and highlighting exactly why this is a really good step forward and necessary. Therefore I propose the Article 8 and Schedule 1.

**The Deputy Bailiff:**

In a moment the Greffier will add a vote into the chat channel of this meeting in respect to Article 8 and the associated schedule. The vote is now open and I invite Members to cast their votes. If all Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. Article 8 and Schedule 1 have been adopted.

<b>POUR: 38</b>		<b>CONTRE: 3</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst		Senator S.C Ferguson		
Senator L.J. Farnham		Connétable of St. Brelade		
Senator J.A.N. Le Fondré		Connétable of St. Mary		
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				

Chair, how do you wish to proceed now?

**7.5 Deputy C.S. Alves:**

I would like to propose Articles 9 to 12. I would like to apologise for my dog barking in the background. Article 9 amends Article 14 of the 2002 law to reflect the new terminology of public and Parish elections. Article 10 amends Article 15 of the 2002 law to provide that, in addition to the costs of sending out notices under Articles 7 and 8, the costs of printing ballot papers for the purposes of the elections of a Deputy and the costs incurred by the J.E.A. in the exercise of its functions are to be met by the States. Article 11 amends Article 17 of the 2002 law so that the date fixed by court order for a newly-elected Deputy or Connétable to take the oath of office must be as early as is reasonably practicable and subject to the pre-existing longstop of within 14 days of the election. Article 12 substitutes Article 17A of the 2002 law providing that the electoral administrator for a Parish is the secretary of that Parish. However, if the office of secretary is vacant or the secretary is otherwise unable to act, the J.E.A. must appoint another Parish employee as the electoral administrator. I would like to propose Articles 9 to 12 as amended.

**The Deputy Bailiff:**

Are those Articles seconded in Second Reading? [**Seconded**] Does any Member wish to speak on Articles 9 to 12 inclusive? If no Member wishes to speak, then I invite the Greffier to add a vote into the chat channel of this meeting. The vote is open and I ask Members to cast their votes in respect of Articles 9 to 12 inclusive. If all Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. Articles 9 to 12 have been adopted in Second Reading.

<b>POUR: 40</b>	<b>CONTRE: 2</b>	<b>ABSTAIN: 0</b>
Senator I.J. Gorst	Connétable of Trinity	
Senator L.J. Farnham	Connétable of St. Mary	
Senator J.A.N. Le Fondré		
Senator K.L. Moore		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Lawrence		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of St. Peter		
Connétable of St. Ouen		
Connétable of St. Martin		
Connétable of St. John		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		

Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

## 7.6 Deputy C.S. Alves:

I would like to propose Article 13. Article 13 inserts a new part 4A in the 2002 law making provisions about the nominations process for Deputies and Connétables. There is a provision that a person is nominated as a candidate for public election if the person submits a nomination form within the nomination period determined by the J.E.A. and the J.E.A. is satisfied that the form complies with the requirements of part 4A. There is also the provision as to the time period for the start and end of a nomination period and a requirement for the J.E.A. to take steps to draw this to the attention of the public. Also included is a provision about the content of a nomination form, which must be in the form required by the J.E.A. and accompanied by a photograph of the candidate. We have retained the need for each candidate to be subscribed by one proposer and 9 seconders.

[17:00]

There is a provision about the declaration to be made on the nomination form by candidates who are endorsed by a political party and about the validation process for nomination forms. A form received by the J.E.A. must be sent to the relevant electoral administrator who must review the form for the purposes of assessing its compliance with the requirements of part 4A, including comparing the details of the candidates, proposer and seconders with those on the electoral register and should notify the J.E.A. of the outcome of that review. If the J.E.A. is satisfied, following receipt of the notification from the relevant electoral administrator, or administrators, that the form complies with the requirements of part 4A, the J.E.A. must notify the candidate who is nominated for the purposes of the 2002 law but does not become a candidate officially until the J.E.A. publish the candidate announcement. If the J.E.A. is notified, or otherwise considers, that the nomination form is defective, the J.E.A. must notify the prospective candidate accordingly and the person has the opportunity to resubmit the form within a period determined by the J.E.A., which may extend beyond the usual “nomination period”. The J.E.A. is then required to publish a list of candidates nominated for public election; a “candidate announcement”. It may not be published before the end of the nomination period or any extended period to allow a person to resubmit their nomination form, and, in the case of an ordinary public election, must be published at least 5 weeks before the election. The day on which the candidate announcement is published is the day on which those nominated become candidates for the election. There is provision that if, at the end of the nomination period, there are

more vacancies than persons nominated as candidates at a public election, the nomination period is extended by 2 days. I propose Article 13.

**The Deputy Bailiff:**

Is this Article seconded? [**Seconded**] Does any Member wish to speak in relation to Article 13?

**7.6.1 Deputy J.A. Martin:**

It is just clarification. I fully support what the P.P.C. are trying to do, and the Deputy. My concern is the candidate, if I have read this correctly, gives their nomination document filled in to the J.E.A., the J.E.A. check with the Parishes who check, I am assuming, who is on the register. If that is all okay then the J.E.A. say unless there is anything else wrong that the candidate's form is okay, *et cetera*. If after or in between something appears that somebody is not in the right part of the Parish or district, who would be right? Because the J.E.A. has sent the form to the Parish, the Parish has checked it and said it is right, and the J.E.A. has told the candidate that they are right. I just want this very clear because this has been tested over time and I think it would be clear but I am not quite 100 per cent sure who is the ultimate responsibility to making sure the form is correct.

**The Deputy Bailiff:**

Does any other Member wish to speak on Article 13? I call upon the chair to reply.

**7.6.2 Deputy C.S. Alves:**

I thank the Deputy for her query. She is absolutely right in what she said, that the nomination form is given into the J.E.A., the J.E.A. then liaise with the Parishes to ensure that all of the proposers are valid on there, so the Parish confirms it, but the J.E.A. will be responsible for the announcement and they will also be giving the candidate a confirmation to say that their form is correct. Therefore the J.E.A. have the ultimate responsibility. I hope that makes things clear. I would like to propose the Article.

**The Deputy Bailiff:**

There is a point of clarification from Deputy Wickenden.

**Deputy S.M. Wickenden:**

I just want to check because Deputy Martin raises a very valid point. I went through this very situation myself where ...

**Deputy M. Tadier:**

Can I raise a point of order, sorry to interrupt the Deputy? I understood that points of clarification can only be raised at the end of a speech if the person has spoken? I may have missed Deputy Wickenden speaking but is that the case or have the rules changed?

**The Deputy Bailiff:**

He is asking for clarification of the speech in reply made by the chair of P.P.C.

**Deputy M. Tadier:**

I am not sure what the procedure is on that, is that normal?

**Deputy S.M. Wickenden:**

Yes.

**Deputy M. Tadier:**

My apologies for interrupting in that case.

**The Deputy Bailiff:**

Asking for clarification of something said in a speech moments after the speechmaker concluded her remarks. Yes, Deputy Wickenden, do you want to make your points seeking clarification?

**Deputy S.M. Wickenden:**

The clarification I need is who is legally responsible if after the Parish Hall have confirmed to the body that everything is fine, they have issued a statement, and then there is a problem found, who is legally responsible because currently it is the candidate who is legally responsible for checking their form - I know I have been through the process of the courts - if the Chair could respond who is legally responsible at the end of the day?

**Deputy C.S. Alves:**

The whole point of this is to ensure that this kind of scenario does not happen again and we are very sympathetic to Deputy Wickenden’s situation, and this was brought up on a number of occasions when we were talking about it. The J.E.A. will take the responsibility. They will provide that confirmation and no candidate will be announced unless their form is 100 per cent accurate. This is why we have given the extra couple of days so that the J.E.A. will be the vehicle to go back and forth with the Parishes until the forms are correct, to avoid situations like the one that Deputy Wickenden found himself in.

**The Deputy Bailiff:**

In a moment the Greffier will place a link in the chat channel of this meeting. She has done so and I invite Members to cast their votes in respect of Article 13 in Second Reading. If all Members have had the opportunity of casting their votes I ask the Greffier to close the voting. Article 13 has been adopted in Second Reading.

<b>POUR: 39</b>		<b>CONTRE: 2</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst		Connétable of Trinity		
Senator S.C Ferguson		Connétable of St. Mary		
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R. Labey (H)				

Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

How do you wish to propose the next set of Articles?

**7.7 Deputy C.S. Alves:**

I would like to propose 14 to 20 please. Article 14 amends the heading of part 5 of the 2002 law, and Article 15 inserts a new provision about the application of that part. These changes reflect the fact that the law provides for a new nominations process for Deputies and Connétables. As a result, the current part 5 will relate only to nominations for Centeniers and Procureurs du Bien Public. Articles 16, 17, 18 and 19 make minor and consequential amendments to part 5 to limit the application of that part to Centenier and Procureur du Bien Public elections. Article 20 amends Article 22 of the 2002 law to provide that, in the case of an election for a Deputy or Connétable - a “public election” - a poll will be held if there is at least one candidate for the office and constituency. It preserves the current position for elections for Centeniers and Procureurs du Bien Public so that a poll will only be held if the number of candidates exceeds the number of vacancies and, if not, Article 21 of the 2002 law would apply. The change is connected to the introduction of a “none of the above” option on the ballot paper for an election where there are not more candidates than vacancies for a public election. So, for example, a single candidate standing for a single vacancy will not necessarily be elected to office. I propose Articles 14 to 20.

**The Deputy Bailiff:**

Are those Articles seconded in Second Reading? **[Seconded]** Does any Member wish to speak on Articles 14 to 20 in Second Reading?

**7.7.1 Deputy J.M. Maçon:**

It is more a point of clarification, so I know where I am, to the chair of P.P.C. Are we debating now the “none of the above” legislation or is that to come later?

**The Deputy Bailiff:**

Does any other Member wish to speak on Articles 14 to 20 inclusive? If not, then I invite the chair to reply.

**7.7.2 Deputy C.S. Alves:**

Part of it is now but there will be part of it later as well in some of the other Articles. I would like to propose those Articles.

### The Deputy Bailiff:

In a moment the Greffier will add a vote into the chat channel of this meeting. The vote is open and I ask Members to cast their votes. If all Members have had the opportunity of casting their votes then I ask the Greffier to close the voting. Those Articles have been adopted in Second Reading.

<b>POUR: 36</b>		<b>CONTRE: 4</b>		<b>ABSTAIN: 0</b>
Senator L.J. Farnham		Senator I.J. Gorst		
Senator J.A.N. Le Fondré		Senator S.C Ferguson		
Senator T.A. Vallois		Connétable of St. Mary		
Senator K.L. Moore		Deputy of St. Martin		
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Ouen				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

### 7.8 Deputy C.S. Alves:

I would like to now propose Articles 21 to 26. Article 21 makes amendments to Article 23 of the 2002 law which are consequential on changes made elsewhere in the draft law. Article 22 amends Article 24 of the 2002 law to provide that responsibility for arranging the printing of the ballot papers

for an election falls to the electoral administrator, although the costs of doing so for the purposes of an election to the office of Deputy will be met by the States. Article 22 also amends the provisions about the content of ballot papers, including removing the need for the form to be prescribed by regulations. In the case of public elections, the amended Article requires the ballot paper to include an option for voting for none of the candidates, where the number of candidates is the same or less than the number of vacancies and indicate that an elector voting for that option may not cast a vote for any other candidate. Also in the case of public elections, the ballot paper must be in the form and comply with such other requirements as may be specified by the J.E.A. Article 23 amends Article 25 of the 2002 law to reflect the new terminology of public and Parish elections. Article 24 makes minor amendments to Article 26 of the 2002 law, including providing that the J.E.A. is responsible for approving the model and marking of a ballot box for a public election.

[17:15]

Article 25 inserts a new Article 26A in the 2002 law, which requires the J.E.A. to prepare a document containing details and a photograph of each candidate standing at a public election in a constituency and to distribute it to the polling stations. The document is to be made available, in the voting booth or otherwise, to persons attending a polling station. Article 26 makes a minor amendment to Article 27(3) of the 2002 law to reflect the fact that the principal *Autorisé* is responsible for the return under Article 53. I propose the Articles 21 to 26.

### **The Deputy Bailiff:**

Are those Articles seconded? [**Seconded**] Does any Member wish to speak on Articles 21 to 26 inclusive in Second Reading?

#### **7.8.1 The Deputy of St. Martin:**

I have to say, I have tried my best to follow this and I arrive at this point a little bit surprised, inasmuch as I was trying to find the relevant ... the Deputy has just said that there is a provision here for the J.E.A. to say that anything else may be added to the ballot paper at their whim. That is fine. However, I was looking under proposed Article 22, which amends Article 24, and I thought that under that one that there would have been a provision to add “none of the above” there, where the Article is currently saying that you need to list the candidates and whether they are Members or political parties and other things you need to put on the ballot paper. There is nothing in there that says “none of the above”. This is a long, rambling unprepared speech about my unhappiness about “none of the above”. As somebody who has faced, or not faced, the election, I have always been accused of being re-elected unopposed. I have never felt it was my fault, although I have been accused of it. If people are generally happy that the candidates that are proposed for an electoral district and they do not wish to have any more, I do not see that should be a fault. I really do not see why they should suffer this “none of the above” penalty. However, there we are. I will not be voting in favour of this.

#### **7.8.2 Deputy J.M. Maçon:**

As with the previous speaker, I have had time to reflect on this. I appreciate I may still be on the losing side of this battle, but I agree. I still feel the “none of the above” option to go through an election to then have a constituency not represented in this Assembly when you are making the biggest decisions about who is going to be the Chief Minister, who are going to be the Ministers, which we know can be won or lost on a single vote, to not have that constituency representative because “none of the above” has won, to me, I cannot see as being the right thing for the Island at all. I would like to be able to vote on that part separately.

#### **7.8.3 Senator S.Y. Mézec:**

Just very briefly, because I am really puzzled by the 2 previous speakers. I confess that I am not amazingly enthusiastic about the “none of the above” option. I prefer that we just did not have single-seat constituencies in our electoral system and just had the districts. That would be a much better

way of resolving it and getting an even more proportional election result. However, if what Deputy Maçon has just said about a constituency being unrepresented at that particular point then that is a very good reason for voters going to their polling station and not voting for “none of the above”. If they vote “none of the above” by majority, they will have democratically put themselves in that situation, so they will know what they are getting for it. It strikes me that the public will get what they vote for then. If “none of the above” will cause that constituency problems then do not vote for it. It strikes me as weird to argue for depriving voters of any choice whatsoever. Uncontested elections are a bad thing and until we grasp the nettle on this and decide to remove the Constable from the Assembly and require them to run as Deputies, this is the closest thing we will get to giving Constables legitimacy. I say Constables, it could, of course, apply to Deputies. However, let us face it, it will only be those Constable selections where this will be relevant in practice. If we are going to run round in circles and not give us a decent electoral system across the board this is surely the closest thing to it. The reasons Deputy Maçon and Deputy Luce have given strike me as weird.

#### **7.8.4 The Connétable of St. Ouen:**

I just want to put an alternative view. I was very pleased that the Constable of St. Martin put forward his proposal to have a “none of the above” clause in single seats. It allows those of us who might possibly otherwise have been elected unopposed, and having had that happen to me once it is not an experience I particularly would like to repeat again. With the new system, at least it allows you to demonstrate that a number of the electorate are behind you, if indeed they are, because it encourages them to come out and vote on the basis that they have a choice of either voting for you or voting against you, even though they do not have the choice of voting for another candidate. I am wholeheartedly in support of this. Let us hope that the new system of party politics and the greater enthusiasm for the new seats means that single-seat elections are contested in any case and we do not need to use this. As a backstop, it has my wholehearted support.

#### **7.8.5 Deputy M. Tadier:**

It is important to caveat this part of the Article with debate in the Second Reading with the point that we should not be trying to rehash an old debate which has already been had. It is probably legitimate for Members who feel strongly or who perhaps voted against the “none of the above” option to make that point now. I am quite happy to do that, because I have a perspective which is it is important to vote whichever way you vote. Having a “none of the above” option does not address the real issues here, because “none of the above” is going to win. In fact, it is only available when there is not a contested election and proponents of “none of the above”, who I personally think are misguided, but they are entitled to their view, seem to want to have that for all elections. What happens if you have 2 candidates that you do not want? You do not have the option of “none of the above” in that case. Of course, if somebody feels strongly about “none of the above” you can stand against a sitting candidate and change your name to “none of the above” by deed poll, if you are that way inclined. Then perhaps “none of the above” could win. There was a film about that called Brewster’s Millions, where he ran a campaign called “none of the above” and it was not designed to win and indeed he did not win. The more relevant point is the fact that when it comes to single-seat constituencies in the future, it is really important that an alternative voting system is used, because under the current system it is very possible for somebody to get elected who does not have the majority support of those who turned out to vote. As we know, somebody could get elected with 40 per cent of the vote if there were 3 candidates, who each poll 30 per cent of the vote, split between them. As I said at the beginning, I am a bit more relaxed about this, because these are simply consequential changes. We have had the main debate and we are putting through the democratic changes that were voted by this Assembly. As I said, it is not time to rehash old arguments.

#### **The Deputy Bailiff:**

Thank you, Deputy. Does any other Member wish to speak on Articles 21 to 26? I call upon the chair to reply.

**7.8.6 Deputy C.S. Alves:**

Thank you to the Members who contributed then. I want to clear something up, the detail behind the “none of the above” option is in Articles 46 to 56, which I will be proposing together. This bit of the law is the administrative part of it. It is simply about the printing of the ballot papers. Obviously the “none of the above” was approved by the Assembly following the Constable of St. Martin’s amendment. Obviously if people still want to vote against it, I completely understand, but that detail is later on in Articles 46 to 56. This is literally to give the option for it to be there on the ballot papers should it be passed in the other Articles. I hope that has provided some clarification to Members. I would like to propose those Articles.

**The Deputy Bailiff:**

Thank you. In a moment, the Greffier will put a vote in the chat channel for this meeting. She has done so and I invite Members to cast their votes. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. I can announce that Articles 21 to 26 have been adopted in Second Reading.

<b>POUR: 37</b>		<b>CONTRE: 6</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst		Senator S.C Ferguson		
Senator L.J. Farnham		Connétable of Trinity		
Senator J.A.N. Le Fondré		Connétable of St. Mary		
Senator T.A. Vallois		Deputy J.M. Maçon (S)		
Senator K.L. Moore		Deputy of St. Martin		
Senator S.W. Pallett		Deputy L.B.E. Ash (C)		
Senator S.Y. Mézec				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy S.J. Pinel (C)				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				

Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

## 7.9 Deputy C.S. Alves:

I would like to propose Article 27. Article 27 amends Article 29 of the 2002 law. This Article is a direct response to the feedback received from voters. People do not like having to pass by a gang of supporters outside the polling station and find the atmosphere intimidating. The inserted paragraphs provide that no more than one representative of a candidate, in addition to the candidate, may remain in the immediate vicinity of the entrance to the polling station while the poll is open, and for those purposes a representative of a political party is treated as a representative of a candidate endorsed by that party. The amendments add a specific reference to the new provisions, making it clear that an *Autorisé* or *Adjoint* may give reasonable directions, and take reasonable measures, to secure compliance with the new requirements. The inserted paragraphs provide that the chair or an ordinary member of the J.E.A. attending the polling station may, with the consent of the *Autorisé*, give reasonable directions on the same basis. Article 66 of the 2002 law, as amended by the draft law, provides that it is an offence to fail to comply with a direction given under Article 29. I propose Article 27.

### The Deputy Bailiff:

Thank you. Is Article 27 seconded? **[Seconded]**

#### 7.9.1 Deputy L.B.E. Ash of St. Clement:

Could I just ask Deputy Alves, whether or not, when she is saying a member of a party would that classify as one person? If you then had 4 candidates there, would that be exceeding the limit outside, particularly if they each had a person, as that would amount to 8, if you were standing in one of the St. Helier districts?

#### 7.9.2 Senator S.W. Pallett:

Picking up on Deputy Ash's point, to clarify on 27, Article 29(1C), is this saying that if the political party has put up 4 Members, for example in St. Brelade, if they have a member of their party outside, they can only have one member of their party outside for the 4 that are standing? I just want to make sure that is clear, because that does not seem to be fair, to me.

#### 7.9.3 Deputy J.A. Martin:

Just a clarification, it is not necessarily the parties, but they are valid questions, it is the combining now of Parishes but having different polling stations.

[17:30]

I know how Senatorials work, you would normally have people standing for a person who is a Senator in a lot of the districts, because they can all be voted. This will all be the same, when you combine the Parishes or even the Parishes that are going to have more than one polling station. St. Saviour is going to be counted as one, but it will have separate polling stations. Will this affect the number of people that say can ... my point is: somebody cannot be in 3 polling stations at once, so would they be able to have a representative outside?

#### **7.9.4 Deputy J.H. Young:**

I wonder if the chair could just give us assurance or an explanation perhaps of what the immediate vicinity of the entrance to a polling station is. For example, if you had somebody in a vehicle playing music down the road or something, would that be immediate vicinity? I would be interested to know that.

#### **7.9.5 Deputy M. Tadier:**

I apologise if it puts the chair on the spot, but it is something that has only just come to my mind. It is not premeditated, as such. One question I wanted to ask about the methodology of P.P.C. was whether they had given any consideration, especially given the fact that now that the districts are usually larger, so either complete Parishes where they were partial Parish constituencies before, or combined Parishes. One of the previous speakers, Deputy Martin, made a good point: you cannot be at all of the polling stations at the same time. I know that, of course, would have been a problem for the Senators in the past. Was any consideration given to whether or not maybe we should not allow any candidates to turn up at all, given the fact that there may be unintended consequences? I know candidates may feel - I do not know if this is parliamentary - damned one way if they do or damned if they do not. Because some people expect to see candidates there and will say: "Why were they not there?" Others - may be more people - feel like they have to run the gauntlet when there is a big crowd outside a polling station. Especially with the advent of the normalisation of party politics, as we have heard, there may be 4 candidates for the Progress Party and in St. Brelade there might be 4 candidates for Reform Jersey. There may be 4 candidates for the other 2 parties. Then you have 16 candidates before you talk about the independents. You could have quite a scrum there, which might well be intimidating for voters, before you even start about the armed police with their Tasers and green jackets; that is tongue in cheek, incidentally. I am sure they will not necessarily have Tasers to Taser people who vote the wrong way. However, you see the point, is that it could be quite a crowded scenario, especially when Parishes and different polling stations seem to apply different and often arbitrary rules to who is standing outside.

#### **7.9.6 Deputy R. Labey:**

I will let the chair of P.P.C. answer those individual questions and the numbers, *et cetera*, and I am sure she will do that with great clarity. Yes, this has been talked about on the committee an awful lot, because of course we are balancing the tradition in Jersey, the atmosphere, the right for candidates to make final impressions, and to be present at a polling station, part of the ambience and the character of it all, with, on the other side, what the Electoral Observers Mission saw for themselves as something a little bit ugly and also to have representations from electors on being intimidated when they went to the polls. I have heard that the answer to that being: "Well, they can take advantage of the pre-poll then." Well, that is not good enough. We have to ensure that we are not putting off people from coming to a polling station and having that experience of polling on the day by being intimidated by having to run the gamut through what on occasions is a very big and boisterous crowd outside a polling station. The E.O.M. were quite strong on this and, as you know, all our work was in response to that document. The way it is going today, we are cracking on very well with ticking off a load of the recommendations, which is brilliant. It is a very difficult balance, but I want the Assembly to know that we have considered that very, very carefully. We felt it was wrong and un-Jersey, in a way, to say: "Right, no candidates at the polling station" and possibly undemocratic. However, we are going to beef-up the code of conduct for candidates, especially sitting candidates. We should all take the responsibility on ourselves to be polite and respectful and just a little bit more careful at polling stations, so that we are not deterring people from coming to cast their vote. However, it is a problem that has been identified. We are going to try and educate and be a bit more careful at this election. If it still carries on then stronger measures will have to be taken. At the moment, this is a measured response.

**The Deputy Bailiff:**

Thank you, Deputy. Does any other Member wish to speak on this Article? Accordingly, I call upon the Chair to reply.

**7.9.7 Deputy C.S. Alves:**

Thank you to all those Members that spoke. To address the query about how many representatives per party, *et cetera*, it is one representative per party in the law; if you have 4 candidates that is one representative. It is per party not per candidate. One Member also raised what “in the vicinity” meant. It normally means in the doorway or within sight of the door usually. That is the rule that is applied to posters and things like that. Obviously this will give the power to the *Autorisés* to decide what they think is acceptable. Ultimately, like my colleague, Deputy Labey, raised, it is about making voters feel comfortable. To address Deputy Tadier’s point, originally we did want to ban everybody from being there but, from the feedback that we got, candidates did want people to be there, which we can understand, because it is about overseeing and making sure that everything is running smoothly. With that, I would like to propose that Article.

**The Deputy Bailiff:**

Thank you. In a moment, the Greffier will place a vote in the chat. She has done so. I invite Members to cast their votes. If all Members have had the opportunity of casting their votes then I ask the Greffier to close the voting. These Articles have been adopted.

<b>POUR: 35</b>		<b>CONTRE: 5</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst		Connétable of St. Brelade		
Senator L.J. Farnham		Connétable of St. Mary		
Senator T.A. Vallois		Deputy of Grouville		
Senator K.L. Moore		Deputy J.M. Maçon (S)		
Senator S.W. Pallett		Deputy of St. Martin		
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of Grouville				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy S.J. Pinel (C)				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				

Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

The adjournment has been proposed by 3 Members now. **[Seconded]** Unless any Member wishes to speak against the adjournment then the States are adjourned until 9.30 a.m. tomorrow morning.

**ADJOURNMENT**

[17:42]