

STATES OF JERSEY

OFFICIAL REPORT

WEDNESDAY, 27th FEBRUARY 2008

PUBLIC BUSINESS – resumption	3
1. Waterfront Skateboard and Youth and Community Centre (P.8/2008).....	3
1.1 Deputy J.J. Huet of St. Helier:	3
1.2 Deputy P.V.F. Le Claire of St. Helier:	3
1.3 Senator P.F.C. Ozouf:.....	5
1.4 Senator M.E. Vibert:.....	8
1.5 Senator J.L. Perchard:.....	10
1.6 Connétable G.W. Fisher of St. Lawrence:	11
1.7 The Deputy of St. Martin:	12
The Deputy Bailiff:.....	12
1.7.1 Senator T.J. Le Main:	12
1.7.2 Deputy A.D. Lewis of St. John:	12
1.7.3 Deputy I.J. Gorst of St. Clement:	13
1.7.4 Senator P.F.C. Ozouf:.....	13
1.7.5 Senator B.E. Shenton:.....	14
1.7.6 Senator T.A. Le Sueur:	14
1.7.7 Deputy G.P. Southern of St. Helier:.....	14
1.7.8 The Deputy of St. John:	14
1.7.9 Deputy G.C.L. Baudains of St. Clement:	15
1.7.10 Deputy J.J. Huet:.....	15
1.7.11 Deputy C.J. Scott Warren of St. Saviour:.....	15
1.7.12 Deputy J.A. Martin of St. Helier:.....	16
1.7.13 Deputy S.C. Ferguson of St. Brelade:	16
1.7.14 Deputy G.W.J. de Faye of St. Helier:	16
1.7.15 Senator F.H. Walker:.....	17
1.7.16 Senator M.E. Vibert:	17
1.7.17 Deputy J.B. Fox:	18
1.7.18 Deputy A.J.H. Maclean of St. Helier:	18
1.7.19 Deputy I.J. Gorst:.....	20
1.7.20 The Deputy of St. Martin:	21
The Deputy Bailiff:.....	21
1.8 Senator F.H. Walker:	22
1.9 Deputy D.W. Mezbourian of St. Lawrence:	23
1.10 Senator T.A. Le Sueur:.....	23
1.11 The Deputy of St. John:	23
1.12 Deputy R.G. Le Hérisier of St. Saviour:	25
1.13 Deputy J.A. Hilton of St. Helier:.....	26
1.14 Deputy J.B. Fox:.....	26
The Deputy Bailiff:.....	29
2. Goods and Services Tax: restriction on amendment of 3 per cent rate (P.19/2008)....	29

2.1	Deputy G.P. Southern:	30
2.1.1	Senator T.A. Le Sueur:	31
2.1.2	Deputy K.C. Lewis of St. Saviour:	32
2.1.3	Senator L. Norman:	32
2.1.4	Deputy C.J. Scott Warren:	32
2.1.5	Deputy A. Breckon of St. Saviour:	32
2.1.6	Senator P.F.C. Ozouf:	33
2.1.7	Deputy G.W.J. de Faye:	34
2.1.8	Deputy P.V.F. Le Claire:	35
2.1.9	Deputy G.C.L. Baudains:	35
2.1.10	Deputy G.P. Southern:	35
	The Deputy Bailiff:	36
3.	Manual Workers' Joint Council Employers' Side Membership (P.24/2008)	36
3.1	Senator T.A. Le Sueur (The Minister for Treasury and Resources - rapporteur):	37
3.1.1	Deputy R.G. Le Hérisier:	37
3.1.2	Senator T.A. Le Sueur:	37
	The Deputy Bailiff:	37
4.	Draft Distance Selling (Jersey) Law 2007 (Appointed Day) Act 200- (P.26/2008)	37
4.1	Senator P.F.C. Ozouf (The Minister for Economic Development):	37
4.1.1	Deputy P.V.F. Le Claire:	38
4.1.2	Deputy R.G. Le Hérisier:	38
4.1.3	Deputy G.C.L. Baudains:	38
4.1.4	Senator P.F.C. Ozouf:	38
	The Deputy Bailiff:	39
	ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS	39
5.	Connétable D.F. Gray of St. Clement (Chairman, Privileges and Procedures Committee):	39
	Deputy P.J.D. Ryan of St. Helier:	39
	The Deputy Bailiff:	40
	ADJOURNMENT	40

The Roll was called and the Deputy Greffier led the Assembly in Prayer.

PUBLIC BUSINESS – resumption

1. Waterfront Skateboard and Youth and Community Centre (P.8/2008)

The Deputy Bailiff:

We return to the debate. Deputy Huet was the next, I see.

1.1 Deputy J.J. Huet of St. Helier.

We have 10 St. Helier Deputies and a St. Helier Constable that lives in the Parish and we have some of our Senators that live in St. Helier and they - except for one Deputy of St. Helier- are well aware, I think, that our children for a long time had no space about, i.e. be it to mooch or whatever teenagers do which we have all had I think at some time or another. I think this is long, long outstanding, and it is for a long time we have tried site after site after site and each time there is an excuse, an excuse, an excuse. Usually the excuses are noise, and you have to be fair if it is close to an elderly folks' home, or people where they live on a continuous... but this is not one of those sites. The reason against this site as far as I can see is cash. That is solely all it is. It is way out from anywhere else. It is not going to affect people that live around it, and it is central and this is what we need. Can I please ask, please, please, let our children have somewhere. The children of St. Helier are a lot more confined, dare I say, than if you are lucky enough to live in the Parishes and have a lot more space and that to roam and a lot more freedom, I might say. You are very, very restricted in St. Helier. We have very few spaces like this that are always moving our children on because they are causing a disturbance to somebody. This is a place that they would not be causing a disturbance to somebody, and I please ask you to finally give our kiddies somewhere to have for themselves.

1.2 Deputy P.V.F. Le Claire of St. Helier:

I did skateboard when I was a child in St. Helier, I grew up in Don Road opposite the Howard Davis Park, and I was fortunate enough to have the Howard Davis Park and the Dicq Beach to play on. But children do like to perform a variety of activities and skateboarding was one that my 4 brothers and I used to like to engage in. I remember on many occasions coming down the hill that runs along the side of the Merton called Mary Street, which is a gradient - I do not know what that is, one in 2 or whatever it is - a very, very steep hill and at the bottom of it you would come out into Georgetown, and the occupation of the day was to jump on the skateboards and try to jump off before your skateboard took you into the traffic at the bottom of Georgetown. Sometimes we decided just to stay on and see if we could make it, and I remember once one of our friends was not quite as good as us and he got smashed into the side of a car. Now, this was in... I was born in 1963, skateboarding probably around about 1974/75 and here we are in 2008 and we still do not have a proper facility for skateboarding. So while I would say there are greater amenities for children, a lot of those amenities that have been invested in have been taken away. The point that was made by Deputy de Faye of the cable cars, for example, in the year - and I usually have this to hand - but in the year that they stopped the cable cars they lost 160,000 visitors a year, when they took away the cable cars. That was then, in the days of the population then. So, there was that area when we were children to go and play in and many of us did go and play there. But as Deputy de Faye quite rightly said, it is not there any longer. I came yesterday quite intent on supporting the decision that this may be not the best way to use this space, with some reservation about the location because of the fact that I had worked in the marina prior to becoming a States Member as one of the States marina attendants and I know that the children used to congregate in this area and on the New North Quay to skateboard and it can be argued, or could be argued, that during the summer months when the visitors for the marina are high, and the visitor level spend is high also, that the noise from skateboarding would be detrimental to those people on the yacht facilities. I am struggling a little bit with the proposed location, but then as everybody has said since, it is location, location, location, is it not? It just keeps going around and around and around. I suggested to

Senator Walker and also to - naively I guess - Deputy Maclean that perhaps an alternative location would be to the side of the reversing bay at Mount Bingham, but I have since been informed by my colleagues in the States that many children would not wish to travel that distance to skateboard. That is unfortunate because I know that they do sometimes take their skateboards into the La Collette Gardens so I thought that that was possibly an opportunity. But then I listened to Deputy de Faye's reasoning about their preference to demonstrate and exhibit their skills to the onlookers and nothing pleases children more to be watched while they entertain and perform in front of their peers and in front of the tourists and in front of their parents, *et cetera*, so I really did take on board that memory that it may be a little bit of showing off but it is also about: "Look at me, mum; look at me, dad; I can do this, I can do this." That really drew me back to the point that Deputy de Faye made which is about the location. In his words, the location is pretty much the right location, just away from where they love to gather in Liberation Square. I was struggling between this concept of best utilised space in the harbours, potential noise, and then the Constable of St. Helier stood up and took away what was going to be a suggestion of mine, and it does sound a little bit glib, but really is the steam clock really something we want to continue to live with? I do not know anybody that likes it. If ever there is a health and safety issue, this thing that does not operate on time, costs about £250,000 a year to maintain or something stupid, blows the whistle so that people are distracted when they are taking the turn, and are surrounded by rusting chains the department has put in, as far as I am concerned there is going to come a day when the steam clock is going to have to go. If there is a need to provide children with greater access to play areas in town, and there certainly, is, then where is there a less commercially viable space than the steam clock? Any skateboarding activity in that area would not annoy the visitors and if we support this today I think that we might drive the Economic Development Committee to talking with the Harbours Department into finally getting rid of the steam clock, and putting in its place a skateboard facility. Either way the bottom line is, I think it has come time to say: "Let us make a decision on giving the children something." I was taken by the speeches yesterday, at the end of the day, by the Constable of St. Helier who remarked upon the difference between the morning and the end of the day when we had suddenly changed from our wishes to give to the children, and also struck and deeply moved last night - as I am sure most Members were during the service - about our need to provide for children and our need to look after children. I do not think we are doing as much as we could be doing, especially in St. Helier. I know many children in town, because I live in town now, do not have anywhere really to go, and I see a lot of them on the street corners smoking, sometimes at the age it looks like of about 7 years of age, smoking, drinking, cycling, playing football. You could take a picture and you think it would be something akin to Longsight in Manchester. This is quite serious hardcore lack of services for children in the heart of town. I think that there may be an issue, and I am certain that if anybody is going to know about the 3 key principles to real estate, the Assistant Minister for Economic Development will manage to find the location, location, location. I think that this area - this location - roundabout here, is very, very important for the commerce of the ports, but the steam clock is not. It is not yours. The Assistant Minister tells me it is not his. I do not think anybody would admit to it being theirs, I think everybody hates it; I do. I wonder if it is not time that we could not find an alternative location for it, or somebody that we could gift it to, put it on eBay, fantastic, **[Laughter]** as long as we do not have to pay for the postage. So, I am going to support it. I did tell the Assistant Minister I was not going to support this but I think, on reflection, listening to the speeches of my fellow Deputies from St. Helier, there is not enough for the kids in town, and that is the bottom line. There is not enough for the kids in town. There are no lifts and elevators going into Fort Regent, which have been promised for years and years and years. Nothing has been done. Fort Regent's swimming pool has been closed down, the swimming pool on the Waterfront is too expensive, everything is money, money, money, money, money. I am sorry, I think, there may be a problem for the Economic Development Department if we approve this, but I am sure it is not beyond their grasp to sort out. Sir, I will be supporting it.

1.3 Senator P.F.C. Ozouf:

I know that my remarks are being eagerly awaited before Senator Vibert and some other people speak. I should start by saying that I will be supporting part (b) of the proposition because I think that that is obviously not contentious. Sir, I am I think, bar one, the youngest Member of the Assembly still, I cannot however in my youth remember being involved in skateboarding culture, and so I cannot say that I understood the passion at which lots of young people do enjoy skateboarding, but I do have one special adviser on the subject. I have a 15, 16 year-old Godson and I joked that he was going to become my special adviser and about 18 months ago, prior to last year's ice rink, paid for by Economic Development - I will come to Economic Development and our team approach with other States departments in a minute - he took me and spent an afternoon with me at a skateboard park in central London where he lives, underneath the Hammersmith flyover, the most fantastic skateboard facility manned with wooden jumps. There must have been, I guess, 150 young people enjoying themselves with suitable protective gear, *et cetera*. I could see... he had always spoken to me about the passion about this particular activity had for him and his brothers, and I could see why. Clearly there were young people engaging safely in recreation and they are clearly better there than doing some of the other things that perhaps they may be tempted to. So I thought it was fantastic and I also thought that it was something that Jersey should have had a long time ago. I want to say about co-operation, Sir, because I know that it is going to be said that Economic Development are not being corporate. I would ask Members, with the greatest of respect, to judge Economic Development on our record. I am proud that my Ministry and my department act corporately with other departments of the States. All the time I am a corporate team player, I want to find solutions together with other Ministerial colleagues on the common good. Home Affairs, prison improvement plan, we help. We help with Social Security and Education on the Skills Executive. We have tried to build very strong relations with the Education Department on culture. We are admonished... indeed I am admonished for investing Economic Development money in things like Liberation Day, an investment in the cultural identity of the Island. It was Economic Development that came forward and dealt with the ice rink, and did the trial, and paid for the trial for an ice skating rink with Serco. It was not at the Watersplash, it was on the Waterfront. I would ask Members to respectfully judge us on our track record of team playing and working with other States' departments. The Constable of St. Helier, not in the Assembly, said we should have our feet held to the fire. He did not tell Members, but there again Economic Development is working with St. Helier and has agreed by transferring existing resources to part fund the Town Centre Manager, which his ratepayers have been asking for, and he has not delivered. But we are bringing forward with him in order to do so. Another example where Economic Development is working in true co-operative partnerships with other States' departments. So I would ask Members, respectfully, when we do raise the flag on a particular issue then I would ask Members to listen carefully to our concerns and to take them on board. I am concerned... and a number of Members have spoken about the financial considerations. We are only doing our job, Sir, when we do explain to the Assembly the facts in relation to the financial matters, and Deputy Ferguson wearing her hat as the Chairman of the Public Accounts Committee is quite right to question and to ask questions about some of the costs. I will come to some of those in a minute because, frankly, the report that we have says that there are no financial implications to the States on this. I am sorry to say, Sir, but I do not know how this gets into the system but that is just wrong. There are financial implications for the States and States Members this morning must understand the cost of this because there is no free lunch. Somewhere, somebody is going to have to pay. There are 3 elements of costs. There is the opportunity cost that Harbours will lose the parking revenue from that area of land, and that is between £48,000 and £68,000. We will lose that money because that money we will get no money for that. That is the first financial implication. The second financial implication is the cost of constructing the facility. We are told that W.E.B. (Waterfront Enterprise Board) are putting in £100,000 to do that, and I understand - and I have spoken to the Chief Executive of the Waterfront Enterprise Board this morning - that there is a discussion still going on about whether or not £100,000 delivers the skateboard park to the

standards that people have been requesting. But the third thing is the implications... and I have the letter from the Social Security Health Inspectorate. The third thing is, yes, they have said that the facility could be located on the New North Quay, but they have also said that there should be - because obviously it is a working commercial port - a fence around it; that is going to cost about £40,000, and it should be manned. Now that is not manning for the safety of the children as the site that I saw in London, which is ensuring that children are appropriately protected with knee pads and all the other things. This is just a security guard to ensure that we are not allowing young people to get into the busy operational part of the port. I do not know how many Members have been down there, but it is no under-estimation to say that there are 150 vehicle movements down on the New North Quay. I am afraid that Deputy de Faye, he cannot get away with simply saying to this Assembly: "Oh, there are no boats at the weekend." Ferryspeed operates out of that facility, and I think also there is a lack of clarity; some Members I think thought that this was going to be located in the TNT Ferryspeed building. No, it is not, it is going to be outside, right along the marina on the outside parking area. That operates 7 days a week. I am afraid that your Harbours Department... of which I know that there are issues and concerns with Members about Harbours and have been for years, and yes, we are working very hard, just as we have done with all economic departments, to raise the standards and raise the game of all our departments. I understand all of that and I do not particularly hope that Members are going to send a signal for effectively a kick up the backside for the Harbours Department into pursuing that. We are working very hard to improve all our departments and the performance of them, and I recognise all of those issues. But the Harbours Department is saying the advice received is that it is not sensible to put a skateboard park in this commercial area. Indeed, I have had and I have been disappointed I have to say, and it pains me to say this because I, as a Minister, treat other colleagues and Members in the manner in which I would like to be treated myself, and the communication that we have had, it seems to me, has not been exactly 2-way. I regret that, because we will try, we will always try and work and the statement that the Chief Minister made ignored one interested party when he made his statement on 15th January that he had met with Deputy Gorst and Senator Vibert and Deputy Fox. There was nobody, I have to say to the Assembly, from the Harbours Department and I am afraid that we have been put into this position. We have been put into the position of effectively that: "Oh, it will go down there and they will make it happen." Well, the practical arrangements for that, I am afraid, are not realistic. I fear that this is an example of old-style States' decision of the States making a decision not with the full facts. Now, Health and Safety have said it can go down there. It can go down there if we put a fence and if we put in full-time security people. That will come at a cost of in excess of £100,000 a year. Who is going to pay for that? Who is going to pay because there is no money? If Senator Perchard wishes to come in, I am happy to give way.

Deputy P.V.F. Le Claire:

I know it is not his department, but is he aware as to how much the maintenance cost is per year on the steam clock?

Senator P.F.C. Ozouf:

I have enormous sympathy, Sir, for Deputy Le Claire about alternative sites and, yes, we can debate Fort Regent, I do not know, it is not my department. I certainly agree with him and the other comments that we should boil the thing down and sell it off for scrap metal but that is another issue. I am giving way to Senator Perchard.

Senator J.L. Perchard:

I would like clarification, Sir, on Senator Ozouf's claim and insistence that a full-time security guard must be posted on any facility. Who said this, and is it credible?

Senator P.F.C. Ozouf:

It is credible, and I will just find my notes here. I have the letter from the Social Security Department, Health and Safety Inspectorate, dated 25th January 2008 to the Harbour Master. This is from the Director of Health and Safety that basically sets out the examples. In paragraph (d) of his letter it says: "But in my view based upon the record of incidents will need to include permanent security personnel for the area." Now, we do have a track record, and I have here advice from the Harbours Department a report on safety of the number of issues down on the... we already have an issue of young people around on the New North Quay endangering themselves. Yes, there are some security cameras, there are already incidents down there. We are aware of that, and that is why C.C.T.V (closed circuit television) cameras are put in there. But there are issues and there are real safety incidents. It is not only in Jersey Harbours - as my Assistant Minister explained yesterday, with sincerity and with information best available to us - other ports are saying: "Please do not have skateboarders around port areas of unloading facilities and where there is water, *et cetera*. It is dangerous." You can see why. All right, yes, we can put fences around it, but how are we going to stop kids getting outside of the fenced area and all the rest of it? So the advice is on here that there is going to be a requirement for Health and Safety, that there is going to be a cost of having a full-time security personnel. Now that is not, Sir, in the financial implications. But if we are to deliver this, and I understand it is Harbours that has to pay for this, it is Harbours that is going to have to pay for the fence... I will give way to Deputy Fox if he disagrees.

Deputy J.B. Fox of St. Helier:

No, I will cover it in summing-up, Sir, but it is not true.

Senator P.F.C. Ozouf:

He is going to have to explain to the Assembly the financial arrangements that we have, and I want Members to make a decision which is fully informed. Fully informed. At the moment we are being told that there is £100,000 available from W.E.B. for the construction costs. There is still a discussion about that, but presumably it could be made. Then there is the issue of the cost of the fence, then there is the issue of the cost of the ongoing security, and I have set aside the lost revenue for Harbours. All I need to say to Members is that the Harbours Department cannot afford to pay - and I am told the figure is here, and I am sure that Members will understand that this is a reasonable estimate - one security guard to cover the cost of the commercial south rate at a rate of 15 times 24, 365 is going to be within the order of - it is probably not going to be 24 hours - it is probably going to be in the order of £80,000 or £90,000. So Harbours is going to have to pay for... and I see Members shaking their head but what am I to do? Am I to say: "No, we are setting aside the formal Health and Safety advice and we are not going to put a security person there?" I think we are going to be told exactly that, that we are going to be told that we have to put a security fence and we have to put security guards. I am afraid to say, Members would admonish Economic Development by effectively magicking out - which we have not got - that money from our budget. We have not got it in our capital fund, we have challenging future scenarios for the Harbours Department in terms of its capital, which we are meeting Treasury, *et cetera*, on. I am afraid we have not got the money. I am afraid that P.P.C. (Privileges and Procedures Committee) needs to relook at the way in which a proposition is coming to this Assembly when it says it has no financial implications, because it does not. It is not right, and it is not good decision making, and we have been here many times before. Sir, it pains me to have to stand up and make a speech and make a set of remarks like this, because I will say that I support completely a skateboard park being constructed in Jersey, and I think that all Ministers should be working co-operatively to find a solution. I commit and I will undertake to Members to continue to work or at least to start because we have not been, in truth, particularly involved in any of these things and it is all the people that are recommending this that are effectively putting a situation, information Members: "Yes, it can be done" but without all the information having been made. I would say to Members that I think that we have got to either move on - and I am not going to put this proposition - but we either should not make a decision on this today or it is going to have to be rejected. I will have to vote

against it short of any other procedural matter, but I do undertake and I do completely commit to Members to use, as is the normal spirit of co-operation and spirit of 'can do', I will work with Members in order to try and find a solution. But I am afraid I am not prepared to allow a situation where Members are making a decision blind. It seems to us that it is the wrong site, that has been clear, but it also seems to us that the financial implications of making that undesirable site safe have not been worked out moreover that the money is there. I fear the worst of all situations is going to arise, that we are making a decision and the decision today is not to hold the feet to the fire of Economic Development, it is to put it on the New North Quay and to deliver it by the end of the year. If there are other sites then we need to talk about that. I am told that the President of the Association, in meeting with Harbour officials says that he prefers it up at Fort Regent, but it was Education who did not want it at Fort Regent. Now, I do not know whether that is true or not but certainly that is what the President of the Association says. I do not know whether that is true. I would ask Members to judge Economic Development on our track record of co-operation. We have invested and we will continue to invest in youth and community facilities for the Island. But do not let this Assembly make effectively a decision on the hoof, without the full information, which I suspect would go disastrously wrong when we find the full situation. I am sorry, Sir.

1.4 Senator M.E. Vibert:

I hate to disappoint one of my fellow Ministers, Senator Ozouf, who was looking forward to my speaking. Can I say I - first of all - would like to totally agree and praise Economic Development for being a leader in being corporate and for working very closely with my department and other departments on many issues. I just wish that corporate feeling and working together had extended as far as one part of his department - the Harbours - because I do not see it, and I do not see it in the report that has come in. Can I say that I will mention E.D.'s (Economic Development) report and I do not think this Assembly and States Members were done a service at all by not having that report until either late the day before yesterday or yesterday morning.

Senator P.F.C. Ozouf:

Can I just say that my Assistant Minister explained that we apologise for the lateness of the report because we were trying to meet with senior officials right up until the wire to ensure that the States would be fully informed before making a decision, because we did not want to have to be put in this position that I would be opposing...

Senator M.E. Vibert:

I asked for an explanation, not another speech. The issue with the late... and I am sure for very good reasons, but I will go on. The issue with the late production of the comments puts Members at a disadvantage because none of those comments can reasonably be challenged, we have not got time to ask and challenge, and we have had, just before, Senator Ozouf making great play about the need for security personnel, which is not even included in the comments and the costs there. So what are we, as States Members, to make of all this. I can understand the feeling of Harbours, but Harbours did know about this and E.D. did know about this, not just on 15th January but they were contacted shortly after, I understand, by W.E.B. after we had a meeting on 8th January, which is nearly 7 weeks ago, to discuss this. I have been involved in it and I knew very little of any of the detail, in fact none of the detail of Harbours misgivings and concerns until the... I knew they were talking about it, but I had no detail of it, nothing about it, until I received the e-mail from States Members as well. So we are talking about co-operation, we are talking about working together. I would have liked to have known about their concerns much earlier because then perhaps we could have tried to resolve them. I do... and again I would not seek to compete with Deputy de Faye at all in his critique of the comments from the Assistant Minister yesterday, but I do find that they protest so much and not in a very balanced way. I find it quite incredible, there seems to be this absolute abhorrence that young people might go into that area on the New North Quay. Yet, right next to the proposed area is the Maritime Museum which is designed specifically to attract young

people, and young people go there already. I do think, and understand, that the Harbour want to protect their own, particularly commercially. The emphasis in the comments are on the potential loss of income. I can understand that, they are concentrating on income to them, but I do not see anywhere in the comments the value that this community facility will give to the young people of the Island, and the Island as a whole, to put as a balance against that potential loss of income. I regret that in this one instance, and as I say, Economic Development are a leader in this field, we seem to have a 'cannot do' attitude rather than a 'can do' one. I do not regard Harbours as a separate state but as part of Jersey. We have got to look at it as a whole and I believe this issue has been put off long enough, and if Members feel a skateboard park should be provided then I believe they should support this proposition and I am sure, if a better alternative in the area is quickly found that can be provided in the timescale, that is even more suitable and that there be no objection from Deputy Fox and this Assembly to changing it, say, for example, as Deputy Le Claire suggested, to the site of the steam clock if that was thought preferable all round. What I worry, Sir, is that we put off yet again, we disappoint the young people yet again in what we said we would provide and then do not deliver. I have got a lot of sympathy with Economic Development but I do not think, even if they were working to the last minute to get information, I do not think this has been handled well. This projet has been lodged for 6 weeks, I think they should have brought their comments out much earlier. I think it would have given States Members a chance to look at it to consider, to say: "Can we look at some of these objections, is it really going to be that loss of income, is it really going to cause all these problems?" Senator Ozouf quoted from a letter to do with Health and Safety; can I quote from an e-mail from the Director of Health and Safety of the Health and Safety Inspectorate clarifying their role in this, and that is: "The role of the Inspectorate has been to provide advice to Jersey Harbours on their legal responsibilities under the Health and Safety at Work Law and on appropriate standard for construction and to the Channel Island Skateboard Association, on appropriate standards for construction of the skate park. We have not set out any objection to the location of the skate park at the New North Quay." That is from the Director of Health and Safety, the Health and Safety Inspectorate, which states clearly: "We have not set out any objection to the location of the skate park at the New North Quay." So, there will be issues to overcome. There will be security issues to overcome, but there will be security issues to overcome wherever we put a skateboard park, and it is an area now that is used and is open to the public, the Maritime Museum there, the Occupation Tapestry is there. I find the suggestions that somehow one part of the public should not be allowed to go there does not ring quite right with me, and I think Deputy Fox has brought this forward in good faith. He has convinced me that there is a need to create a skateboard park for the young people in St. Helier, in the basin of St. Helier, not up at Fort Regent, we had a skateboard park there and young people did not come up to use it in great numbers because it was in the wrong place.

Senator T.J. Le Main:

I was the President at the time, it was solely because the charges were inhibiting people coming in; the cost of entering the Fort.

Senator M.E. Vibert:

I accept that there was a charge, Sir, and I accept the Senator's view, I just do not agree with it because some young people... and we looked at it when I took over at Fort Regent, we looked at it again and we surveyed and talked to young people. They said, and told us, that the biggest objection was with their skateboards coming up there. They wanted somewhere down in the basin. Of course, the future of Fort Regent is under discussion and I do not think that again another option put forward - an option that has been tried and failed - is the answer. I say to Members to consider the issues, I will be supporting this as I believe it can be made to work, and is a facility we should provide.

Deputy F.J. Hill of St. Martin

I would like to propose a reference back, Sir.

The Deputy Bailiff:

When your turn comes I will certainly hear you but I am not sure you can leap in before other people that I have...

The Deputy of St. Martin:

Article 83 says a Member of the States may propose without notice during a debate on a proposition. That proposition may be referred back...

The Deputy Bailiff:

When called by the chair, so when your turn comes you can do that if you wish.

1.5 Senator J.L. Perchard:

I do not intend to repeat the many comments made during what I think has been an excellent debate with excellent contributions particularly from Deputy de Faye, Deputy Gorst, Deputy Martin and Deputy Southern. I will confine my contribution, Sir, to matters anew. Firstly, I would like to touch and speak on part (b) of the proposition - the less contentious part. Part (b) of the proposition, to remind Members, is to ensure that a youth and community centre be established on top of the Waterfront multi-storey car park before 2011. As a States' nominated director of the Waterfront Enterprise Board, Sir, I can confirm that W.E.B. has recognised the requirement for a community facility on the Waterfront. We have identified a site for such a development, on top of the Waterfront car park, and as such we have engaged a multi-agency working party charged with detailing the functional requirements of any such community centre, Sir. I say to Members that if they support part (b) of the proposition today and if our Minister for Planning and Environment gets behind the momentum in accepting our social responsibility in this area, that W.E.B., at least while I am a director, will deliver this community facility well before Deputy Fox's target date of 2011. I would like to make, Sir, a few additional points on contributions made on part (a) by Members. Some Members have expressed their concern regarding children's safety when accessing and using the proposed new skateboarding area, Sir. People have genuine concerns about safety concerns. I was particularly moved by the concern shown by the Minister for Economic Development and his Assistant Minister who spoke very movingly about the children, their safety, and how they both support their needs. They spoke warmly about the requirements for youth facilities and... **[Interruption]** They spoke warmly, Sir, about the requirements for youth facilities and the need for a skateboard park, but somewhere else. Anywhere but not on their patch. They spoke at length, Sir, about safety issues surrounding access and use of the site. I know their concerns are genuine in this area but I do believe they were flagged-up as a diversion to Members and I will endeavour to explain why. If Members could picture the pedestrian walkway to the west of the Maritime Museum, this walkway may be 20, even 30 metres wide; no cars, no lorries, just pedestrians. This walkway leads directly from Liberation Square to the proposed skateboarding area and, of course, Sir, in reality this is how children will access this area. They will access safely. The site will be contained with security fencing, which will not cost £40,000, so as to ensure that a child cannot just burst out on to a path of an oncoming vehicle, and when finished boarding, Sir, children will return the same way they arrived. The safety argument being promoted by our caring, sharing team from Economic Development, Sir, is a nonsense. It is a diversion, and I ask Members not to take it seriously. Finally, Sir, I would like to talk about the integrity of this House. For over 4 years we have promised the people we represent that we will deliver a skateboard park. The Chief Minister made a statement to this House on 15th January this year confirming that this very site had been identified and that this development will provide much needed facilities for our young people. I urge Members to keep the promise that has been made and not be swayed by the superficial money-grabbing arguments being peddled by some. They should know better. Sir, I will remind Members that the Health Protection Unit of the Health and Social Services and the

Director of Health and Safety at Social Services both confirmed that this site is suitable. This debate today, Sir, is a microcosm of a much bigger debate that is taking place in Jersey. This is about our priorities and our principles, a debate about what is important to us: money, growth, economic development; yes, of course they are important. But we are an Island capable of developing huge business. We are a desirable place for business and people who want to relocate here. But where do we stop? Do we stop? Can we continue to grow? Office building, house building, developing new business, without providing proper facilities and infrastructure for those we represent. I ask Members, should we continue to grow without providing proper facilities and infrastructure for those we represent? No, of course we should not. We just cannot. I say to Members, we have a responsibility. No, we have more than a responsibility. We have an obligation, Sir, to provide youth and community facilities on the Waterfront. I ask Members to consider very carefully before not supporting parts (a) and (b) of this proposition, and I urge them to do what is right, and to support both parts and prove that we, the States of Jersey, mean what we say and will deliver on our promises.

Deputy J.J. Huet:

Could I just interrupt? I am sorry, I forgot once again to state that I was a director of W.E.B. I asked to be excused again.

1.6 Connétable G.W. Fisher of St. Lawrence:

In making a declarations, I am a port user from time to time - when I get some time - and I know the area very well. I wanted - not to disassociate myself from the comments of my colleagues in Economic Development - but I am speaking here as a separate Member, I am not speaking as Economic Development because my concerns about the site are quite different to those of Economic Development, although I do not disagree with the comments that have been made by my colleagues. My concerns really are, sitting back and looking at it, is this a suitable site for a skateboard park? I do not think any of us would have immediately thought of this as a suitable suite for a skateboard park in the middle of the harbour, in a commercial area where there are large trucks travelling around, where visiting yachtsmen are sitting there during the summer listening to the noise of skateboards where youngsters will be zipping past them when they are trying to get to town, they will just vote with their keels, they will not come back. What about the Maritime Museum? Senator Vibert says: "Oh, the youngsters go to the Maritime Museum" well, I do not know about you, but I do not keep on going back to the Maritime Museum day after day, week after week, year after year. I have been once, I perhaps have been twice. Unless there is something new there I will not go again, so I cannot imagine youngsters are really going to use the Maritime Museum very often. Those are parts of the story that worry me. I am worried about these big trucks and I know they are big trucks. The security down at the harbour is incredible. I have a boat down in the harbour which I visit from time to time, and I used to be able to go to my mooring down the New North Quay and drop chains over the side or whatever I had to do at the time but now I cannot do that anymore. So the port users are already restricted. If they have got to watch out for people on skateboards as well that is going to make it very difficult. But one of the things that concerns me more than that is the location. I can understand Deputy Fox's frustration and his desperation to find a site and that I fully understand, and I am not opposed to a skateboard site at all, but I think the location is totally wrong. We are not asked to consider other sites. We are asked to consider this specific site, so although we might come up with alternative propositions - my colleague on the left here suggested demolishing the steam clock and so on, well that might be feasible, I do not know - but all we are being asked to do today is to consider this one particular site in isolation down in a busy harbour area. Now I have sometimes left the States Chamber in the evening and walked up Hill Street, and occasionally I have seen skateboarders coming down the middle of the road. Nobody seems to worry about that. That is fine. So they come down the middle of the road, perhaps it is not so risky there because it is a one way road, and they are flowing with the traffic, they are coming down the hill. But what happens when they get to the

bottom and decide they are going to the skateboard park? Do they then carry on across the dual carriageway, dodging the traffic, or will they stop and carry their boards in bags? No, they will not carry their boards in bags, they will skate across the traffic. That is just crazy. I am afraid common sense seems to have gone out of the window as far as this proposition is concerned. I would very happily look at other alternatives but this one is not, in my view, an alternative.

1.7 The Deputy of St. Martin:

I stand by my request on Article 83(1)(a) that I would ask for the reference back, and I think I am like most Members in the House, I think we all want to do something for our young people, but what I do not want to do is vote against something simply because it is in the wrong location and without the right information. As much as I want to support what Deputy Fox is doing, we are mindful that this proposition was lodged on 15th January and only yesterday... and I do accept the apology from Economic Development, to get at this late stage. However, that is all we have got and there are other implications here. The first thing is, it has to go to the Council of Ministers and one would assume a report has got to go to them to request them to do something but we would have had a report from them, and quite obviously we have not got one. We have heard on the floor from the Assistant Minister for Health and Social Services that there is some support from some of their department but we have not got a full report there either. We also know that there are obviously education concerns here and we have got the Assistant Minister who has the responsibility for youth, but we have not really got an official report either from the Education, Sports and Culture Ministry. Also there are financial resources. We have heard nothing either, no report from Treasury. There are also planning considerations, and we have heard nothing from Planning again. There are no reports to accompany it. Now I have stood here a number of times with my own propositions and I have been hammered and said: "Where are reports?" It then had to go back. So I am trying to be consistent and I do want to support a skateboard for young people but I am not all together sure that this is the right location, and I think before we do go forward we ought to have all the information and all the information properly prepared so we are able to have a debate on it. What I would ask, Sir, for the reference back is that the further information can be provided to all Members, Sir.

The Deputy Bailiff:

Can I just be clear, Deputy, this is a reference back of a proposition by Deputy Fox, it is a private Member's proposition? The normal purpose of a reference back is so that the proposer of the reference can provide further information to the Assembly. What further information are you saying you require from Deputy Fox?

The Deputy of St. Martin:

What the request would be, Sir, that Deputy Fox would ensure that the information is required or requested from the Ministries that I have outlined, Sir. So we have written reports presented to the House.

1.7.1 Senator T.J. Le Main:

In seconding that, I would like to make a point on extra information. It was said by one of the Members that the chairman of the Skateboard Association would prefer Fort Regent. I would like in supporting this reference back that is an important factor in determining whether that should be looked at again, the view of the chairman of the...

1.7.2 Deputy A.D. Lewis of St. John:

I have just got off the phone from the chairman of the Skateboard Association and he categorically said Fort Regent is definitely not their preference. They have never said that. That is definitely not their preference.

The Deputy Bailiff:

We are just going to consider at the moment... there is a proposition from the Deputy of St. Martin which has been seconded, is that right? Now the rules have changed in references back. It is no longer a discretion in the chair, I simply have to ask myself is further information relating to the proposition required by the proposer, he has specified what he requires, it will be a matter for Members to decide whether they think that is reasonable or not, but the chair no longer has a discretion, I therefore allow the proposition for the reference back.

1.7.3 Deputy I.J. Gorst of St. Clement:

I am finding myself slightly not understanding what the Deputy of St. Martin is requesting. He is requesting information, a reference back to receive further information from Deputy Fox because it is his proposition. The problem is the further information he requires is from Ministers of departments which are outside the control of Deputy Fox, therefore Deputy Fox is not at liberty to provide the information that the reference back is requesting.

The Deputy Bailiff:

That will be a matter that you can all consider when deciding whether to vote for the reference back, but the Standing Orders simply say that further information can be provided, it is open to Deputy Fox to ask these Ministers for information, if they do not give it then he will not be able to obtain it, and this may be a matter for you to consider when deciding whether to reference back. But I am afraid Standing Orders have made the propositions for reference back much easier and that is a matter for Members. So I have allowed the proposition so we are now debating whether to refer this matter back and I do urge Members not to rehash every speech which has been made already. Anyone who wishes to speak of course can do so on the reference back. Senator Ozouf, do you wish to speak?

1.7.4 Senator P.F.C. Ozouf:

I will support the reference back because I do not want the States to be making decisions without full information. What I will do is I will commit absolutely and give a categorical promise and undertaking to work with Deputy Fox and other Ministerial colleagues who, I have to say, have not, at the moment, worked as a collaborative team. Deputy Fox may well be a Back-Bencher, but he is the Assistant Minister for Education, therefore he has all the access that is available through colleague contact and through his department to work. We have a proposition which says the manpower implications, and if there is one single reason why States Members should be saying: "Please come back with the appropriate information", it is the financial and manpower implications. It says - and this Assembly should not be making decisions which it knows are inaccurate - it says there are no financial and manpower implications for the States arising from the proposition as any costs will be included with the overall cost of the commercial developments. That, I am afraid, Sir, is not true and the Minister for Education and the Health Minister and the Social Security Minister can all say that Health and Social Inspectorate say that they have no opposition. They have no opposition but they have a report of what the legal obligations are that Harbours must do and that has a financial implication of which paragraph (d) says: "In my view, based on the record of incidents, will need to include permanent security personnel for the area." So therefore it is not right to say that there were no financial costs. I support a skateboard park. I support all people working together to secure it and I will work immediately on doing that with colleagues to provide it. Economic Development will be, as is always, a team player and I would respectfully suggest that colleagues and Ministerial colleagues, when I sit down and when they also have their say in respect of this matter - which no doubt they will - do not talk with forked tongues **[Interruption]** and treat Economic Development in the way that we have done. We have got a track record here, we are the ones that supported the skateboard park previously, we will continue to do so and I would just ask Members to bear that in mind when we are hearing from other Ministerial colleagues about what they are doing. We are being asked to foot the bill here. We are

being asked to solve the problem. The financial implications are not clear. Let us get them to be clear and then let us work to provide what the children and the youth of this Island want.

1.7.5 Senator B.E. Shenton:

I will not speak with forked tongue and I certainly will not tell the House that the Skateboard Association would prefer Fort Regent when they do not. Can I just say that Health Protection have worked very closely with Deputy Fox on this. They have done the report. They have been a bit of a bugbear because they have come out against numerous other sites that have been suggested. This site is well away from residential area. All I would say to the Chair is the report has been available; it would be available to Deputy Hill or any other Member that seeks to ask for it. I think it is a bit rich asking for information halfway through a debate. I would suggest that States Members read their papers when they get them and ask for information before the debate and not halfway through at the last minute because otherwise we will end up with a reference back on almost every debate we have.

1.7.6 Senator T.A. Le Sueur:

The proposer remarked that there had been no comments from Treasury and if that is remiss of me it is because when I read the proposition I read that there are no financial or manpower implications. It is quite clear from the discussions yesterday and today that there are financial and possibly manpower implications and on that basis I will undertake to provide a report, either to Deputy Fox or to the Members of the House so that we can be fully informed and debate this and make a decision based on all the information. I am quite prepared to accept the reference back and provide that information.

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

It seems to me fairly clear, I am shocked and surprised that the Deputy of St. Martin should have brought this reference back. It seems to me like a mere procedural trick to derail this in a debate which is going the wrong way according to some.

1.7.8 The Deputy of St. John:

I am afraid I will support this reference back. This has been going on for 6 years now. There is lots of information out there that clearly is not in this proposition. Deputy Fox should be applauded for his efforts here, but the information is not in the document. There is no risk assessment, there are no financial implications, there are not any attachments or reports that the Skateboard Association have done in the past. That could have all been given to Members. We have been having a very informed debated about their request and the informed debate about the information that Economic Development have given us today. For Senator Vibert to say: "Well, I have got a report here now from Economic Development but I am not going to read it because it is too late, even though there is some severe safety implications for children." What a nonsense. You should be reading this, Senator, you should be...

The Deputy Bailiff:

Through the Chair, please.

Senator M.E. Vibert:

Could I correct the Deputy? I did not say I had not read it - in fact I read it through - I said it was difficult to challenge any of the things in it at such late notice.

The Deputy of St. John:

I would accept that, but the fact the Senator was suggesting was that he did not want to take on board these facts and asked more questions. Clearly he is now shaking his head and saying yes, he would like to ask more questions in which case a reference back is highly suitable to do that. I think to bring back to the House information such as that to satisfy the Education Minister that this

is safe, and to satisfy us that it has no financial implications of the kind that the Minister for Economic Development is suggesting, or that it does, and also a full risk assessment which I do not see in Deputy Fox's proposition, Sir. All that information should be before Members before making such a decision. Frankly, Sir, there are also other departments that have not fed into this; Treasury have just admitted that; Planning, for example, one of the few jurisdictions in the world that says that noise disturbance of this kind has to be further than 100 metres away from such a facility. That is unusual, it does not happen anywhere else in the world, maybe Planning should have a justification for that here as well and it is not there. There are so many unanswered questions, to make an informed decision on this today is just not possible, Sir. I think a reference back is a perfect solution to today's problem. To be debating this at a time when the eyes of the world's press are on us, a skateboard facility and our national **[Interruption]** I am afraid is unbelievable.

1.7.9 Deputy G.C.L. Baudains of St. Clement:

I am going to come from a completely different angle to Deputy Southern. I thought his assessment had somewhat missed the point, Sir, because from the speeches we have heard so far - and I had avoided speaking on the subject itself, but I do feel free to speak on the reference back - it is clear that there are a number of uncertainties. Is the steam clock site a possibility? We do not know. What are the obstacles to using Fort Regent? We are not sure. What are the true financial implications of this proposition; the fencing, the security, the loss of revenue to Harbours? What are the dangers? They have not been fully quantified. There is a lot of missing information, Sir, and I believe it would be a tragedy if the lack of that information ended up in the infrastructure that our children so badly need being turned down. Sir, I realise that a reference back produces a problem when the proposition has been brought by a Back-Bencher, but that surely does not mean that he cannot collate the information that we do need, gleaned from Ministers or maybe by a meeting with the Council of Ministers and then bring that information to this Assembly so that we can move forwards, because I fear that we might otherwise either reject it or make the wrong decision. Contrary to comments made by the Minister and Assistant Minister, I do not see the corporate behaviour that I might have hoped would have come to support this proposition and I am hopeful that this reference back will be the catalyst that gets this logjam finally moving, Sir.

1.7.10 Deputy J.J. Huet:

What I find remarkable is that Deputy Fox has had this projet lodged and if the Ministers or Assistant Ministers or whoever is involved in certain committee areas, why have they waited until right now? **[Interruption]** Why? They should hang their head in shame, to be quite honest. Why have they not come through to Deputy Fox to say that they have these concerns? All of a sudden, on this floor, today, at this moment in time, we suddenly get all these concerns. They have had weeks to bring them forward and to bring them up and nothing has been done. They should be ashamed of themselves, it is like a lot of children: "I cannot have the sweets so you are not having them either." Sir, I should think this should be thrown out and we should carry on with the debate.

The Deputy Bailiff:

If I may say, as I drove in this morning I listened to the Today programme and the interviewer was having terrible trouble with 2 guests who were all speaking at the same time. I now understand the problem he had. **[Laughter]** Now I had seen next Deputy Scott Warren and then Deputy Martin.

1.7.11 Deputy C.J. Scott Warren of St. Saviour:

I will be supporting this reference back. Like many, I think, like most Members of this House, I want to vote for this skate park. Most of us want to give a positive sign and vote for it and, Sir, I feel unable to do so **[Interruption]** today with the many concerns that have been raised. I would feel torn between the support I want to give to this and whether I really should give that support with, as I say, the many unknown factors that have been raised. One thing, Sir, is certain; we have

either got to find a better alternative or support this site. Something has got to go ahead, the skateboard park has got to go ahead and not with years more of delay. But, Sir, I believe the reference back, hopefully a short reference back, may provide a solution we can all support.

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

Well, Deputy Huet stood up yesterday and said she thought she was Mystic Meg. Well, I had this conversation last night with a couple of St. Helier Deputies who said: “You know, we might win this one” and I said: “Not overnight, there will be some tactic brought out by...” and I am not supposed to, Sir, call him with forked tongue, but I call this contemptuous. I am absolutely furious at the way this is going. Now we are asking - or the Deputy of St. Martin is asking - another Back-Bencher to go back for more information and everyone who is on the wobbly is saying: “I am going to support this reference back because I might have to make a decision. The decision might be that I am going to vote against the children of this Island and I am not going to give them a skateboard park” but have the courage of your convictions to do it. This is tactical, there is no more information. If Treasury was that bothered, and I am telling you I respect the Minister for Treasury, we would have had 3 or 4 pages of why we cannot do this and how much it will cost. We have got last minute reports, Sir, and we have got enough information from the one Ministry that it matters. They are telling us what it costs. It may be a cost. Even if it is that cost, the decision, at the end of the day, Sir, is do we provide the much promised skateboard park? It is even now, Sir, more information about is there another possible site? Well, we have had it, Sir. No, there is not. We know this is not ideal; it can be made to work, the children are there at any rate, but, as I say, basically the people will... I will have contempt for the people who vote for this reference back. I will admire the people who, if it goes through and then they vote against the skateboard park, that is their prerogative but this, to me, Sir, is tactical, it is demeaning of the work a Back-Bencher and the respect that Deputy Fox should have, it should not go back. A Ministry again has had all the time and the Minister for Economic Development had time to talk with all the other Ministers if he thought we needed more information on the table. He should have provided it before yesterday morning. Do not vote, I really urge people, do not fall into this trap of a reference back. I am glad you waited for a few minutes to call me, Sir, because I was very angry, but now I [Laughter] have calmed down. Thank you.

1.7.13 Deputy S.C. Ferguson of St. Brelade:

Yes, I started the debate rather concerned about all this, but I have I suppose undertaken a Damascene conversion. Particularly when the Minister for Health usefully brought to my attention the fact that there will be a youth and community centre as well included in the cost. The current drop-in provisions are cramped, new premises would be helpful, welcome. Anything which takes children off the hills of the Island...

The Deputy Bailiff:

I am sorry but we must confine ourselves to the reference back.

Deputy S.C. Ferguson:

Well, basically what I am trying to say perhaps is that this is a call for perfect information. There is no such thing as perfect information. From my reading of the debate so far, we have a considerable amount of information which enables us to make a decision to look at this whole problem. Please, if you want perfect information we will be here until a week next Friday. I am sorry, I will not support the reference back and I urge Members not to.

1.7.14 Deputy G.W.J. de Faye of St. Helier:

I do not support this reference back for one moment. We do not need more information, in fact we could have done with a little less disinformation coming to the States from this department. Because that is what we have had. We have had disinformation. I am disappointed that some of it came from the Minister himself. I apologise to the House for misleading them yesterday. I was

under the impression that perhaps there was not quite so much work going on at the weekends at the harbour and the Minister has properly corrected me on that point. Nevertheless, let us just look at the so-called important security issue as one aspect of something we need to flesh out a bit more. I do not believe we do. I think we have all the information that we need. It was given to us by the Minister today. We were told originally this was going to require 2 full-time security staff all year round. Then we get read the letter that has come from the Health and Safety Inspectorate and it says nothing of the sort. Certainly it does not mention a requirement for 2 full-time security staff. But it is interesting, we do discover how the Harbours Department have worked out their calculations because as the Minister - before he corrected himself - began to read out the calculation; 15 times 24 and then he realised what he was informing this Assembly; £15 an hour times 24 hours a day. Do we really need 2 full-time security staff at this skateboard park for 24 hours a day? No. What we were hearing was the inflated disinformation applied to this subject by the Harbours Department or someone linked to this debate. I do not think the States need any more information and I say again what we could do with is a little less disinformation. Serious concerns about a commercial port? What is a maritime museum doing at the heart of a commercial port? And this is the area immediately next door to the Maritime Museum. Is it a commercial port or is it leisure area? Hard to tell, there is a marina right next door. That is certainly leisure. What exactly is this space? It is a car park for the convenience of the employees working in the harbour area.

The Deputy Bailiff:

Deputy, like Deputy Ferguson, I must ask you to confine it to the reference back.

Deputy G.W.J. de Faye:

This is part of the information, Sir, that I am saying that we have already and we do not need further clarification on. It yields £68,000 a year. Well, let me say in the spirit of co-operation, I am prepared to look at the floors at Pier Road car park that are currently unused and see if we can find some alternative spaces for the people who might be moved out of the way by this much-needed development that does not require any more information to be decided upon.

1.7.15 Senator F.H. Walker:

I have been supporting and working to an extent alongside Deputy Fox and Deputy Gorst in all the incredibly hard work they have put into this over many months. They have, I think, left no stone unturned in trying to find a site for a skateboard park. They and I have been frustrated time and time again. I have to say I am frustrated again this morning. Honestly, what sort of Assembly are we when we cannot take a decision on something like the location of a skateboard park? The last thing we need is a reference back. We need to take a decision. This is just fiddling around at the edges and I am very sad that the Deputy of St. Martin brought the proposition. Sir, Deputy Fox, Deputy Gorst and others have investigated other sites, they have come to the conclusion and they have provided the information to support that conclusion that this site, although I accept not ideal, is the only chance we have got to provide a skateboard facility in the foreseeable future for our young people. So let us not delay any longer, let us get on with it, let us vote for or against, but for goodness sake let us not go back over the same thing again and agree to this reference back. In my view it should not have been brought and I hope it is comprehensively thrown out.

1.7.16 Senator M.E. Vibert:

I regret that we have got here - and I do repeat, I am sure with the best intentions - but I believe the main reason we are here was the very, very late provision of the information and comments by Economic Development. I do not believe that is a reason to put off making a decision. I believe that Members have had the information, they have looked at it, it has been fully discussed here. There are some issues and again - I repeat what I said, Sir, in seeking to not support the reference back - if a better alternative in the area E.D. can come up with... if they feel this is so wrong, if they can quickly find that, I am sure this House - if they came back with an amendment - would

accept it. We have not been able to find an alternative in the area. We believe this is the best site; everybody who has looked at it, apart from Harbours and Economic Development, Sir, believes it is the best site. I believe that this Assembly would be doing itself a disservice and the Island a disservice by supporting a reference back and not making a decision today in line with statements that have previously been made publicly in this House to the young people and to the whole Island that we would be making a decision and going ahead with it.

1.7.17 Deputy J.B. Fox:

I was planning to cover much that has been said by the Minister and Assistant Minister on the question of the position, the costs and everything else with the skateboard park in my summing-up. Obviously at the moment, I do not have that opportunity, we are only talking about a reference back. I would like to have that opportunity. There is just one thing that I think is important that I should say at this stage; everyone keeps talking about the clock and the area of the clock. We have already looked at that site. The sites that I mentioned before are just the big obvious ones in St. Helier. You will not believe the amount of other sites that we have looked at. The one with the clock we looked at, it needs extinguishing of the road which gives the access in New North Quay and re-opening of the road from where it used to go into the New North Quay in order to facilitate such. If you remove the clock, you can still have all the other fancy granite work that is surrounding it and the pool and that could be used as part of a skateboard feature. So there is no reason that it could not be done, but the realism is, is that no one will change the road at this moment in time because it is subject to East of Albert considerations and also for the commercial port use. The only other thing I would like to say, as far as the security goes at this stage, I do not see that it is going to cost Harbours and Airport anything. It was never in the remit that it was going to cost the States anything. If necessary, I will find it. If he is talking about the security of his commercial area, that is the responsibility of Harbours. I am talking about an area that is in front, that is open to the public at the moment and is next door to the museum, *et cetera*. If there is a question of not wanting people to walk down that front area, well why can we not put a fence along the pavement at the back of those granite old warehouses and have a dedicated access route for the young people? There are lots of things that I would like to sum-up, but this proposition at the moment is stifling that opportunity. If I had to go through all that information that has been requested me now for every site that we have looked at, we would not be here today. The reason I have come here today and asked for this is because we are at the end of the road and I need to have a States decision on the principles of a skateboard park and this is the only one that we can come up with that is feasible and viable and will satisfy in principle the authorities except for the Harbours. But the argument could be that this area is intended to be taken over by W.E.B. at some stage within the foreseeable future so it might not be Harbours' responsibility for much longer anyway. But you cannot anticipate the future because that decision has not yet been made. But I do ask that we are so far down the road, just allow me the opportunity of listening to the other States Members that would want to say something and allow me to sum-up. Then you can make up your minds, States Members. You can make up your mind whether the answer is yes or whether it is no. If the answer is no, I might like to just come back for a quick word, if I may.

1.7.18 Deputy A.J.H. Maclean of St. Helier:

I am pleased that Deputy Martin is a couple of seats further away; she was getting so heated earlier on I feared for my safety. Sir, this subject has obviously got extremely heated, the reference back more so than the original debate. I do support the reference back. Not surprisingly perhaps to some, because I believe strongly, Sir, that this Assembly should be making good decisions, sound decisions, but more importantly evidence-based decisions. There has been much made about, for example, the late comments that were delivered by Economic Development. Senator Vibert is nodding and he has mentioned it now twice. I do find it curious that he is suggesting that he was unable to question the comments that were put forward because they were so late in receipt and yet he is not prepared to support the reference back which would give him plenty of time to consider

the concerns that we are raising. He seems to me, Sir, to be arguing against himself in this regard. I think Members should also be aware that as far as Economic Development is concerned, and in particular the Harbours Department, we have been trying hard over the last few weeks to reach some form of consensus with Ministers and other Members who are involved in bringing forward this proposition. A proposition at a principle level, Sir, that we fully support; youth facilities absolutely we should be providing and this type of use facility, yes we should be looking for it. It is the location that is the issue. As far as the Harbours Department is concerned, Members might be interested to note, Sir, that they were not consulted fully on this process. In fact in the statement that the Chief Minister made on 15th January he referred to those who had been present at the most recent meeting which included W.E.B., it included Senator Perchard, Deputy Gorst, Senator Vibert, lots of Members, Sir, no mention of Jersey Harbours. I find that quite extraordinary that the Harbour Department...

Senator F.H. Walker:

If the Deputy will allow me, my understanding is that there was a representative of Economic Development at that meeting.

Deputy A.J.H. Maclean:

I am referring to Hansard, Chief Minister, and in Hansard you did not mention that as far as I am aware - there were no members of Economic Development or indeed the Harbours Department - but I do stand to be corrected, it certainly is not my understanding. There has also been mention, Sir, and this again is a point in my support of the reference back, Deputy de Faye talked about disinformation suggesting that Economic Development had misled the Assembly. Sir, that is categorically not the case and I think if he refers back to Hansard in due course of what I said yesterday, the points that I raised were absolutely factual as presented to me. There was no intention to mislead and I do not believe anything that I said yesterday misled the House. There is a lack of information, one of the most serious issues with this proposition is the fact that there are, in fact, no financial considerations included within the proposition whatsoever and clearly, despite what Deputy Fox said just a moment ago, it is incumbent upon Jersey Harbours as the land manager of that area to meet the law, Sir, and that includes the Health and Safety (Jersey) Law - Article 5 of the 1989 law which states that the responsibility to ensure that all users, whether invited or otherwise, must be safe and secure on that land. There is a significant financial implication to adhering to that, Sir. That is another good reason why I believe this House should support the reference back. We are estimating at the moment that the fencing is going to be £40,000. We are estimating what security could be and, yes, we could be talking about 24 hours. The reason we are talking about 24 hours is not because we expect skateboarders to be operating for 24 hours, but it will be a collection point. It has been in the past, young people have gone down on to the harbour area, they have made attempts and we have got logs of those occurrences happening, of their getting into the secure area on the New North Quay. It is a danger and it is a danger to our young people that we should be concerned about and that is a reason, Sir, as far as I am concerned that we need to ensure that the information we collate is absolutely accurate. We can get accurate estimation, as Senator Ozouf quite rightly pointed out some of the estimated costs for security on a 24-hour basis, when I spoke yesterday I reduced those down to approximately £80,000. The estimates for full-time security staff 24 hours a day were significantly over £100,000 as the Senator was alluding to. I was not wishing to mislead the House in any way and that is why I made the estimates more reasonable. The reference back gives us the opportunity to get some facts out. I believe this House cannot possibly hope to make sensible decisions unless facts are available. We will more than happily work with Deputy Fox at Economic Development to support him in obtaining all the information necessary to make an informed decision to debate this again later.

Senator J.L. Perchard:

Can I ask for a point of clarification from the last speaker? It was a familiar route round that same old mansion, quite boring. But the...

The Deputy Bailiff:

That is not a request for clarification, Senator. Confine yourself to a point of clarification.

Senator J.L. Perchard:

My request for clarification... yes, Sir.

The Deputy Bailiff:

If you are going to ask the chair for permission to seek a point of clarification, do not use it to make a speech.

Senator J.L. Perchard:

Okay, Sir. Can I ask for a point of clarification?

The Deputy Bailiff:

Yes.

Senator J.L. Perchard:

The Assistant Minister mentioned that discussions had been taking place over the last 2 weeks with Ministers. Could he tell us and inform us as to which Ministers?

Deputy A.J.H. Maclean:

The last Minister that I spoke to was the Chief Minister on Friday.

The Deputy Bailiff:

Does any other Member wish to speak on the...

Senator J.L. Perchard:

I asked for which Ministers, Sir.

The Deputy Bailiff:

Well he said the Chief Minister.

Senator J.L. Perchard:

He said the last Minister he spoke to.

The Deputy Bailiff:

I see.

Deputy A.J.H. Maclean:

I have spoken to the Chief Minister about this and members from the departments involved and I have spoken to W.E.B., various other agencies that are involved.

1.7.19 Deputy I.J. Gorst:

Unfortunately, although it has been positioned as a reference back for further information, this is not a reference back for further information. It is simply about site selection. The problem is that the site selection is not as simple as we might all want to believe that it could be. We have heard why this site is not suitable, mostly around financial considerations and I think these are critical points as to whether we should accept this reference back. We are told that there are other financial considerations that Deputy Fox has not outlined in his proposition. The problem is, Sir, with the other sites we are probably looking at W.E.B. development land and the economic potential and development potential of those sites are far greater than this site. So although there may be other

financial considerations, they are less and smaller in size than the potential benefit from other sites that might have been suitable. We have also been told that security will become an issue if a skateboard park is placed on this site. But we already know that young people are using this area in front of the Maritime Museum and down at the harbour to skateboard, to - if I may use their terminology, Sir - hang out, so therefore, to my mind security must already be an issue. If Harbours are so concerned about the security of this area then I believe that they ought to be installing the fence and making the site as secure presently. Therefore, I am not convinced in the argument that the skateboarding site would require much more security than potentially they are telling us this site already requires. Sir, 30 years have gone into looking and selecting a suitable site. Do we really believe that in another fortnight with further information, information that I might add is outside of the control of the Deputy to provide if Ministers do not wish to provide it, I do not believe that further information is going to help us make this decision, Sir. We have to make a positive decision; we have to act for the youth of this Island. We have to provide them with facilities; words no longer, Sir, are enough.

The Deputy Bailiff:

Very well, I call upon the proposer of the reference back to reply.

1.7.20 The Deputy of St. Martin:

Can I say I am rather disappointed to hear the personal attacks made because I have called for the reference back. It is not contemptuous, it is not a trick. I have been in the House probably longer than most people here and I have certainly brought a number of propositions and amendments too and I have had to stand on my own 2 feet and I have every sympathy for Deputy Fox. But I feel that this was right. We have heard throughout the debate this lack of information and the one good thing I think about the reference back, if we can say what we spent the last 35 minutes on, we have probably got more information in the last 35 minutes that what we had in the 2 hours we spoke before. So, it certainly has not been a waste of time. Again, my concern always has been that I may well be ending up voting against something simply because I had not got the information where I would like to support it. I am rather disappointed to hear, particularly from the Chairman of P.A.C. (Public Accounts Committee) that she is quite happy - also the Chairman of Scrutiny, I might add - and other Scrutiny members are quite happy for us to go ahead without us knowing what the financial implications are. **[Approbation]** I know I am not a member of Scrutiny now and I am certainly not likely to be either. **[Laughter]** Cheer up, yes. No, that is the happy thing. I have certainly never been seen to be part of the Executive and I would say I am standing here, very much on my own and I am doing it simply because I believe it is the right thing. What I would ask, Members, I am not going to spend too long on it because quite clearly people have got their own decision to make. We can vote for the reference back, get the information because what we will have, I accept the fact it will be for Deputy Fox to get it, but it will not be difficult because we have already heard from some Ministers they are quite prepared to give that information. I think once we get that information - it could be within a month - we could be back in the House and debating it and I hope we can then give our support to something we are fully aware of and we know what we are voting for. I would ask for the appel, Sir.

The Deputy Bailiff:

Very well, the appel is called for in relation to the reference back. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 11		CONTRE: 30		ABSTAIN: 2
Senator L. Norman		Senator F.H. Walker		Senator F.E. Cohen
Senator T.A. Le Sueur		Senator P.F. Routier		Deputy of St. Mary
Senator P.F.C. Ozouf		Senator M.E. Vibert		
Senator T.J. Le Main		Senator B.E. Shenton		
Connétable of St. Ouen		Senator J.L. Perchard		

Connétable of St. Martin		Connétable of St. Mary		
Deputy of St. Martin		Connétable of St. Clement		
Deputy G.C.L. Baudains (C)		Connétable of St. Helier		
Deputy C.J. Scott Warren (S)		Connétable of Trinity		
Deputy A.J.D. Maclean (H)		Connétable of St. Lawrence		
Deputy of St. John		Connétable of Grouville		
		Connétable of St. Brelade		
		Connétable of St. John		
		Deputy R.C. Duhamel (S)		
		Deputy A. Breckon (S)		
		Deputy J.J. Huet (H)		
		Deputy R.G. Le Hérisssier (S)		
		Deputy J.B. Fox (H)		
		Deputy J.A. Martin (H)		
		Deputy G.P. Southern (H)		
		Deputy S.C. Ferguson (B)		
		Deputy of St. Ouen		
		Deputy P.J.D. Ryan (H)		
		Deputy J.A. Hilton (H)		
		Deputy G.W.J. de Faye (H)		
		Deputy P.V.F. Le Claire (H)		
		Deputy D.W. Mezbourian (L)		
		Deputy S.S.P.A. Power (B)		
		Deputy K.C. Lewis (S)		
		Deputy I.J. Gorst (C)		

The Deputy Bailiff:

Very well, so we return to the debate on the proposition. Does any other Member wish to speak on the proposition? Senator Walker?

1.8 Senator F.H. Walker:

I will not repeat what I said and what many other Members have said in the last debate but much of the debate has centred around other sites. Well, following the meeting that I had with the Assistant Minister for Economic Development on Friday, I contacted the Property Services Department and asked them for a list of the potential alternative sites and I was given this late on Monday. There are 6 potential sites that have been identified, but they have all been looked at already and all dismissed for one reason or another. So there is no other potential site to provide this facility that anyone is aware of in the short term. Sir, I am under no doubt at all that if we do not vote in favour of this proposition, we will be ensuring that there will be no skateboard park for our young people for a considerable time to come. Now, I do echo the comments, I think, of the Constable of St. Helier and one or 2 others that if we vote yes, then that might encourage the opponents of this particular site to work their socks off basically to find a better alternative if, indeed, one can be found within a reasonable timescale. That is a good motivation, I think, if we vote yes. One way or another, we will get a site. If we vote no, we will not get a site and it is really as simple, I think, as that. I do accept and I am saddened that Harbours have come in for quite such a battering in the debate although I do accept that their concerns are genuine. I am not sure that all of them necessarily stack-up but I believe they do have bottom line concerns which are genuine. Sadly, for whatever reason, they have come through too late and there was every opportunity prior to us receiving the sheets we did yesterday for that information to come through. Although I acknowledge their concerns, I do think that we have to proceed. It is not an ideal site, but I think we have to proceed. When I made my statement that this was the site for the park, it was on the clear understanding that it had the unanimous support of all parties involved, including Economic

Development. I am saddened that although Deputy Maclean did ask me to add a caveat to my statement, which I did, which was that we needed more information from Harbours, that was the strength of any comment that was made and, despite a number of meetings involving all relevant parties, there was no indication of opposition. So, Sir, not an ideal site but I really think the choice is do we go here or do we go nowhere and I urge the House to support Deputy Fox and commend Deputy Fox for the incredibly hard work he has put into trying to achieve this result and in coming forward with this proposition. **[Approbation]**

The Deputy of St. Martin:

Could I ask the Chief Minister, that bearing in mind this request is to go to the Council of Ministers, has this proposition been considered by the Council of Ministers and have they got the support of the Council of Ministers?

Senator F.H. Walker:

It has not and in all honesty I do not think it is in any way necessary for it to do so.

1.9 Deputy D.W. Mezbourian of St. Lawrence:

Like Deputy Le Claire, who told us earlier of his skateboarding memories, I well remember my first experience of attempting to skateboard as a teenager and the many weeks afterwards spent on crutches and attending physiotherapy sessions. Yes, there are safety concerns attached to this extreme sport. I remember too about 20 years ago when I was closely involved with the Coin Varin Youth Club, the demand then for skateboard facilities and, indeed, we organised the building of a large ramp with the help of willing dads and club members. It was a resounding success, encouraging many young people from the western Parishes to come to the club specifically to use this one home-made skateboard ramp. Yet 20 years on from my involvement with young people, we still do not have a permanent public skateboard facility. A few weeks ago, having attended the Holocaust Memorial Day service, we stopped for coffee outside the new Radisson Hotel. Having just listened to the stories of deprivation and worse faced by young people during the Holocaust, it seemed ironic to us to hear the mutterings of nearby diners as they complained about the noise and disturbance from our young people who were skateboarding around the aptly named Freedom Tree sculpture. Yes, there is, as we have heard, evidence that young people congregate around the Waterfront and the port areas. We have all seen it for ourselves. Senator Ozouf has told us in his usual eloquently emotive manner that it is totally impractical to site a skateboard park on the New North Quay. He has told us, together with his equally eloquent but not as emotive Assistant Minister, all the reasons for not siting a skateboard park there. Members have indicated that they too think it is probably not the ideal site. Nevertheless, we have been told repeatedly that it is the only viable site within the basin of St. Helier. We know that this is a much-needed facility. It will attract not only skateboarders but their friends. It will become a meeting place for young people, the ideal situation for the work of a detached youth worker. They will be close to the proposed Youth and Community Centre. It is a win-win situation. I urge Members to support both parts of this proposition and to thereby show after 30 years of discussion that we do care about the needs at least of today's young people. **[Approbation]**

1.10 Senator T.A. Le Sueur:

When I spoke yesterday in the debate - Deputy Fox also brought about reuse and recycling facilities - I pointed out the decisions we had to make and we have made at the time of the annual business plan. I just point out to Members, without influencing necessarily the way they vote, that if this proposition does have financial implications, then the extra funding costs will have to be weighed against any other financial implications at the time of that business plan debate. That need not influence Members' voting today, Sir, but I do remind them so that they are under no illusions that if this additional spending is required, it has to come from somewhere.

1.11 The Deputy of St. John:

I think one of the excellent things about the debating Chamber is that you can be swayed and influenced by speeches, by information, and I have to say that today I have been to a certain extent. I came here wanting to support this proposition because in St. John the Constable and I have been working for some time on a similar facility but on a smaller scale and the 2 of us are well aware of some of the issues that surround this, not least N.I.M.B.Y.ism (Not in My Back Yard) - something which Jersey is very good at - and sometimes it comes as a positive outcome and sometimes it does not. The fact is that Planning have a big role to play here and we have had this issue in the rural Parish of St. John and clearly you have had it in St. Helier as well. There are sites that have been looked at and quite often the reason why they have been turned down is on planning reasons and some perfectly legitimate planning reasons. The one that has irritated the Association most though is this issue of being within 100 metres of a domestic dwelling, which I understand is something quite peculiar to Jersey planning and not necessarily in existence everywhere else. Of course, this narrows the sites down quite significantly. Do you wish me to give way?

Deputy I.J. Gorst:

Sorry, Sir, I do not believe that it is a planning issue. I believe that that is a health protection regulation and I am not aware that it is peculiar to Jersey.

The Deputy of St. John:

It is not planning. There is an issue, I understand, with the proximity of residential dwellings, quite rightly so. I am not suggesting it should not be that way, but it is 100 metres. In other places, it is less. That is my understanding. Consequently, obviously it has narrowed the choices down and clearly at the harbour there are not domestic dwellings.

Deputy I.J. Gorst:

Sorry, Sir, I really cannot let this pass. The insinuation is that Deputy Fox has not researched this and that this is a peculiarity to Jersey. It is a very complicated area. I am not aware whether the Deputy of St. John has sat down with the Health Protection Unit in the offices there but I am sure they would be more than willing to go into these issues with him because it is all to do with background noise. It is all to do with how noise travels in certain conditions so it is not as straightforward as the Deputy is suggesting to the House, Sir.

The Deputy of St. John:

I am not suggesting it is straightforward and I will try and get away again on the issue. The fact is there are planning issues - planning constraints - and I am not suggesting that is wrong. They are planning constraints which is why we have ended up with this particular site that has less planning implications but, that is not to say there are not implications for this site as well. This issue has been discussed now for some 6 years and I think it is important that we bring closure to this and have some decisions. Now, Harbours is suggesting this is not an ideal site and they have given us some good reasons for that. The Skateboard Association, though - and I will quote the Chairman of the Association: "This site is perfect. Health and Safety issues can be designed-out." That was a comment I had from the Skateboard Association Chairman about half an hour ago on the phone so it can be done but I can quite see the commercial reasons why perhaps it should not. We are talking here about significant amounts of money which are not detailed in the report at all which is a pity, which is why I supported the reference back, money that could be spent in producing a wonderful facility elsewhere but because we are a nation of N.I.M.B.Y.s, we cannot find that other site so we are going to end up doing it on this site by the sound of things. But what I would like to get some reassurance about, perhaps from the proposer and perhaps from Harbours, is does it have to be there for ever? Things move, things change. When we were designing the ideas for St. John, we designed them with the view that they may have to move at some point and facilities like this can be movable. If that is the case, I would wish to support it more because I do not think we should tie our hands completely here and say: "Put it there, it is perfect at the moment" and then find in 6

years' time or less, it is not perfect. I would like to know from the proposers whether, from a design point of view, that can be done because there may well be better sites in the future. We have been discussing the town park for a long time as Deputy Hilton will be well aware. Now, that issue is going to come back on the agenda and maybe there are opportunities there as well but that is possibly a few years away. I think it is very important that we act now to provide better facilities for our young people, not just for the ones in St. Helier because - bet your bottom dollar - if this is good, the children from all over the Island will come and use it and that is great. It is a beautiful location for it with a marine backdrop, wonderful, but there are implications to having it there. There are implications to having it anywhere but to lose the opportunity of having it now - and we are talking here in quite a short period - I think will be a great shame and I think Harbours have put up a valuable case to be considered in the planning stages of this facility. The Association firmly believes that the health and safety issues can be designed-out of the scheme and I think that probably is the case, but I would like to have more information. I would like some reassurance that this can be treated as a temporary measure; get the facility in now. If Economic Development come up with a better solution as we progress this, even within the next few months, that should be looked at too, but give these young people some hope. Give them an opportunity now to have what they have been talking about for some years and it is not just on a whim. It is not just a couple of kids turned up with a shopping list and said: "We want this." The Association are well organised. They have done lots of research. They have presented lots of schemes to various Members of this Assembly, not least Deputy Fox. They have given it a lot of thought. It is not just on the back of a fag packet. They have got ideas. They can be implemented on this site. We should go forward and do something for them but I think it should be considered potentially as a temporary measure so that we can maybe find that perfect site if there is such a thing. Jersey has got to get out of this N.I.M.B.Y.ism constantly and do what is best for people at that moment in time and if it needs to move in the future, have that opportunity to move it.

1.12 Deputy R.G. Le Hérisier of St. Saviour:

Those classic words: "I was not going to speak." I will partly be a party-pooper, Sir, and then I will give my view with the passion that Deputy Martin requires from us. Two weeks is a long time in politics although, for Harold Wilson, a week was enough to send him around the bend. I am very surprised, Sir, to see the U-turn, for example, by the Chief Minister. Two weeks ago, we were told if the minutes were going to be taken of the Corporate Board, the whole administrative structure of the States was going to collapse. Two or 3 weeks ago, Sir, we were told by Deputy de Faye of Transport and Technical Services that there were feral youth, Clockwork Orange youth, nihilistic youth, running around the bus station and that the whole of western civilisation was collapsing around Liberation Station and, indeed, around the lifts. Yet we have seen a little concession on the opening hours of that station and we have seen no less an august body than the Women's Institute prepared to brave these lifts which are apparently sites of decadence and social breakdown and social anarchy. No doubt the logic of his argument would be: "Well, there are these feral youth and civilisation is breaking down around the lifts and the bus station and we need to move them on to the skateboard park." My point would be, Sir, if you frame an issue in that way - and I was intensely annoyed at the way it was framed and I am annoyed with myself for not having responded because I think it was done in questions - if you frame an issue in that way, you stigmatise people and that is why I cannot be impressed by the rambunctious speech that was given yesterday. Although the sentiments were good, I find the inconsistency absolutely breathtaking. In a society that should be much more sensitive to the issues of youth and so forth, I just thought it was highly inappropriate. That is why I find it very hard, Sir, to accept - quite bluntly - some of the sentiments and some of this, no doubt in the light of the current backdrop, some of this attachment to youth issues; and, no doubt, it is also motivated by electoral considerations. My second point would be, Sir, I think there is a lot of logic to what Economic Development are saying but unfortunately logic is not going to win the day. Rather like Senator Walker a couple of weeks ago, as I was telling Deputy Maclean earlier, Sir, one can over-egg the pudding and I do wonder about people who are

expert in public relations and political spin. Who is telling them to do this - to over-egg the pudding - because it is quite clear that cases collapse when this does happen and I think that is what is happening now, that the whole thing has been totally overdone. Members may not have spotted it, but we have had Senator Ozouf give a blow-by-blow, pound-by-pound account of the cost of security guards when I think if you read the answer to a question recently, the Elizabeth Terminal car park has, because of faults in the parking machines, lost a considerable sum of money, around an estimated £30,000, as I recall. You get this going on all the time in the system and yet we get these terribly emotive speeches about how it is going to bring Economic Development, in a sense, financially to its knees although I do see the policing problems. I think, Sir, the next point is we do reach these decisions in a dysfunctional way? The Deputy of St. John was right when he said if people could see 53 people having to decide on the location of a skateboard park when all major decisions of this place often go by default and we never have proper debates on them, I think they would wonder how on earth we handle our affairs. It is utterly dysfunctional that we have operated in this way but I think Deputy Fox has to be praised for his persistence. Together with Deputy Gorst, he has clearly worked on a whole range of options. It is not an optimal solution. I think we all know that but they have worked on it. To slightly paraphrase the Irish proverb: "To get you here we would never have started from a certain point" but that is what has happened; that is the system, we are forced into it. I will vote for it, Sir, simply because I believe, despite some of the quite clearly credible drawbacks to this, it will force the issue, it will bring it up the political agenda and I am worried, Sir, about symbolic things. If, for example, the National Gallery really starts moving and it ends up on the Weighbridge site, a so-called open space which we promised to be an open space, the arguments about elitism, about displacing the interests of youth... there may be no logic to them, I say to Senator Cohen, Sir, but those are the arguments that will run and people will once again say, as Senator Perchard said in his earlier speech: "Where are your priorities?" You are breast-beating yourselves about Haut de la Garenne but when you are asked to take decisions, when you are asked to move logically on these things, you fail time after time and you speak out of the other side of your mouth.

1.13 Deputy J.A. Hilton of St. Helier:

I have to agree with what the previous speaker, Deputy Le Hérissier, has just said. He is absolutely right, and the Chief Minister also said earlier in his speech about 6 sites that have already been identified and Property Services got back to him on Monday. They have all been identified and dismissed. The fact of the matter is if we are going to support the youth of the Island, then we are going to have to vote for this proposition this morning. Simply to vote against this proposition will be a slap in the face, I think, to the young people of this Island. We simply do not have the available sites in St. Helier to accommodate a skateboard park. Somebody mentioned the town park site just previously and I think the difficulty is that the current town park site - the Talman land and the Gas Place site - is surrounded by residential housing and I think for that reason, it simply just cannot be put there so it seems to me that this one site has been identified. Health Protection has said that they have not got a problem with it being there. The chairman of the Skateboarders Association welcomes the site and I think we should be putting our money where our mouth is and get on and approve it this morning.

The Deputy Bailiff:

Does any other Member wish to speak? Very well, I call on Deputy Fox to reply.

1.14 Deputy J.B. Fox:

First of all, may I thank everybody that has spoken. I think there are one or 2 that have not spoken. I take it you do not want me to go through everybody and what they said [**Approbation**] but just thank one Deputy and multiply that by 52 other Members because that is what I do. First of all, just in summing-up, I would like to say that I made a promise to the young people of not only St. Helier but to the rest of the Island many, many years ago. Before 6 years... I have been working with

young people in my previous life as head of Crime Prevention and Community Policing and the reason I just mention it is purely for the fact that this ambition of finding a solution to a very long-known problem has been going on, as I said before, for 6 years from the Channel Islands Skateboard Association, but it goes back to the early 1970s and we still have not been able to find a resolution. Today and yesterday, we have had a very honest and frank discussion on the problems of finding a solution to providing such facilities and many of the areas that have not been mentioned I can say have been looked at and briefly I mention the steam clock. That has been looked at. The town park has been looked at. There has been Fort Regent, there has been Mount Bingham, there has been the old D'Hautrée site. There have been lots of other sites that have been looked at and for one reason or another, they have all had problems and if I had been asked to provide the information that the Deputy of St. Martin asked, I doubt if we would not have been here for several years because of the necessity of going through each one in such detail. The reason that we have come today to this site is because, in reality, it is the only realistic site that we can identify that provides facilities for young people, not only for St. Helier but also in the rest of the Island. The reason I say this is because the site is clearly at the edge of an industrial area. We accept that - off the New North Quay - but it is also next to the leisure area where the Museum service is and it is also next to Liberation Square. There are 2 pelican crossings crossing the road there but they are safety crossings and they have the pedestrian lights that control the movement of vehicles. We also have the nearby Move On Café which, thanks to the Constable of St. Helier, has been at the forefront with the developer's power to arrange for the old Harbour Office to be retained as a permanent new drop-in café facility for at least the next 21 years. It is being refurbished at the moment so it will be closed for a short period of time and then it will be available from next October or thereabouts. That is also very important because it provides nearby facilities for the young people plus also toilets. There is also a commercial café - the Sailor's Rest - which, as long as the café owners are happy, and I would imagine if the young people want to buy drinks and things, they will be there. The other point of this area is that it does provide a natural surveillance. In other words, if you have an area that is overlooked but not obviously with domestic dwellings because of all the reasons given before, then young people are more likely to behave. If you have not just got one small element, you have got a larger element by this, they also provide the "behave yourself" attitude. Also the present position of the proposed site is overlooked by the Move On Café which will be staffed by youth service people, volunteers, and they will, by their very nature, be responsible for the young people within the area exactly as they are now. There are also Outreach workers and youth workers and officers and they too cover areas where young people congregate although they do not want to go into a facility. I would suggest to you that this would be an obvious area that they would go down and visit and make sure that all is in order. One of the other aspects of it that has been talked about - and if I just turn maybe to some of the things that E.D. have brought to our attention - is they talk about the security and that they are responsible for the site. Now, I have not gone into all the intricate details because this site is subject to change at the moment. Under the East of Albert, this site could very well in a short space of time, change its responsibility from the Harbours Department, Economic Development to W.E.B. or even come under the new Jersey Enterprise but that is still yet to be brought to the States and affirmed. In any event, if E.D. are talking about security officers and fencing, *et cetera*, they already have 2½ metre high palisade fencing. That is the sort of quality of fencing that you have protecting things like power stations. Well, that already protects the entrance to the New North Quay and the only time that it has its gates open is when the New North Quay is staffed by staff operating on the Quay or by the Harbours Department's own security. So this site is outside that area and this is very important to recognise. Yes, there will be some safety and security fencing required but I am not expecting the States to be asked to pay for that. I will be honest with you, we have got to find the resources and we will find the resources to be able to make a safe corridor for the young people to come from Liberation Square down to the open site, which at the moment is used as a temporary car park, so that the young people can travel through safely and they will be completely separated from the 150,000 movement of vehicles. If the Harbours Department have a report to say that they

have to have security, well, I would suggest to you that they probably need that security now and from my previous profession, I have some knowledge on this, and a few children playing in the area does not warrant the security that is being suggested. If it does require extra security, there are other ways of achieving it. In security and safety terms, there is not one solution that provides a solution to a problem. It is several things that can be done. I offer my services free to give advice although I am 10 years out of date, I admit, but things do not move that quickly from being able to give such advice. I just wonder if Members could just look at that very nice plan that was given to us by E.D. because one of the things that they talk about is the noise of skateboarders and the marina. If you look at where the proposed skateboard park is positioned, you will see it is in front of the commercial area which is sectioned off and if you look down towards the marina area there, I am told that is where a few visiting yachts go. That is to the right-hand side of the picture you are looking at and also at the other end, which is the left-hand side of your picture, near the new hard court development, the old abattoir site. On both ends, where there are visiting yachts, you have got on one side the commercial quay right next door, i.e. the other side of a marine dividing wall between the 2 harbours, if you like. So you have got the noise of the cranes, you have got the noise of goods being lifted on and lifted off on the LO/LO (Lift on/Lift off) and you have got the lorries operating hours of the day maybe 6.00 a.m. or whenever it is, so you have got the sound of that within the marina, or the marine users. On the other side, the E.D. referred to the 150,000 movements of lorries passing that. Most of that movement is either coming to and from the Elizabeth commercial port area, because things have got to come in by ship and they go round to storage or they are picked up for storage, a lot of it goes obviously through the LO/LO, or it goes off to other parts of the Island. Whatever it is, because of the one-way system, in the main these 150,000 movements go along the access road or the main road coming from the tunnel to the big roundabout that leads into Elizabeth Quay and the passenger terminal, or it goes straight on, or it goes around the top and they turn around and come back past the old abattoir site. Whatever it is, you have these great big lorries - either empty or laden - coming past right above where I understand the majority of the visiting yachts at this marina moor. We have heard that the ferries operate 7 days a week; I would have thought that the noise from those lorries and the vibrations through the wall must have a far more detrimental effect than some skateboarders that are going to be miles away in comparison. That is a consideration too. I am not saying that everything is perfect because it is not, but I would suggest to you that part of the reason for coming here today is to have some reassurance from the States that we can have skateboard facilities and understand the necessity for it. We have already heard that the Social Security Director of Health and Safety and the H.S.S. (Health and Social Services) Health Protection Unit believe that the health and safety issues can be designed-out of this proposed area, just to give an example. That is a very salient point. We also must understand that there was talk about the safety of the young people when it comes to protection for themselves and the equipment and injuries. That is a salient point, but it is also a salient point that every year when we have the ice skating rink, which is supported by E.D., we have already heard that we have injuries that occur there. People get injured and go to hospital. It is no different whether you are having an extreme sport like skateboarding or whether you have ice skating, you will still have people who get injured. The point that they are on about regarding safety and who is going to provide it, well the Channel Island Skateboarders Association have always said and have always been extremely willing to provide the catalyst for teaching the younger people how to skateboard in their extreme sport safely and they promote the actual training of these young people and encourage them to wear protection. They have no statutory powers, but they already do that with their young people and when they have these special events like the one at St. Peter earlier on this year - the West Show; and where they have had one at St. Ouen and for that short period on the Waterfront, they provide a very valuable service as well as a policing thing, a behavioural thing. It is not just a States thing that we must provide and we must do. Nowadays we have responsibilities to ensure that certain criteria are there before we do it and you can rest assured we will do it. There was talk about Milford Haven and there was a very nice picture that we were shown of them putting out a warning about the safety of youngsters on skateboards. I would

suggest to you that Milford Haven has not got a skateboard park. If they had a skateboard park, they would not be having to put out all these notices and everything, they would be there and they would have a Channel Islands Skateboard Association who would be willing to support and to encourage, and certainly if there was anything there that was in a dangerous area, the port users or the port authorities would be turning around and saying, like they do in New Zealand and in America and all the other places that I have seen skateboard parks, you have got a skateboard facility there, go and use it and they immediately wander off and go and use it. That facility we do not have at the moment and that is important. I think that unless I have missed anything out ... There was a question about could this be moved at a later stage from the Deputy of St. Martin. The answer is yes, but the Skateboarders Association would like to have a concrete one, which is what was referred to and, of course, if you make a concrete one, you will not be able to move it, so it is a question of design. Yes, it is also a question of cost but those things can be looked at. It does not make any difference to the positioning of it. I think probably a good idea if I left it at that point. I have mentioned steam clocks, *et cetera*. I would ask for the appel. Thank you.

The Deputy Bailiff:

I invite Members to return to their seats for the appel on the proposition of Deputy Fox. The Greffier will open the voting.

POUR: 26		CONTRE: 11		ABSTAIN: 6
Senator F.H. Walker		Senator L. Norman		Senator T.A. Le Sueur
Senator P.F. Routier		Senator P.F.C. Ozouf		Senator F.E. Cohen
Senator M.E. Vibert		Senator T.J. Le Main		Connétable of Trinity
Senator B.E. Shenton		Connétable of St. Lawrence		Deputy G.C.L. Baudains (C)
Senator J.L. Perchard		Connétable of Grouville		Deputy of Trinity
Connétable of St. Ouen		Connétable of St. Brelade		Deputy of St. Mary
Connétable of St. Mary		Connétable of St. Martin		
Connétable of St. Clement		Connétable of St. John		
Connétable of St. Helier		Deputy S.S.P.A. Power (B)		
Deputy R.C. Duhamel (S)		Deputy A.J.D. Maclean (H)		
Deputy A. Breckon (S)		Deputy K.C. Lewis (S)		
Deputy J.J. Huet (H)				
Deputy of St. Martin				
Deputy C.J. Scott Warren (S)				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy S.C. Ferguson (B)				
Deputy of St. Ouen				
Deputy J.A. Hilton (H)				
Deputy G.W.J. de Faye (H)				
Deputy P.V.F. Le Claire (H)				
Deputy D.W. Mezbourian (L)				
Deputy of St. John				
Deputy I.J. Gorst (C)				

2. Goods and Services Tax: restriction on amendment of 3 per cent rate (P.19/2008)

The Deputy Bailiff:

We come next to Goods and Services Tax: restriction on amendment of 3 per cent rate - Projet 19/2008 - lodged by Deputy Southern. I will ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of the opinion (a) to agree that the restriction of Article 84 of the Goods and Services Tax (Jersey) Law 2007 that prevents the regulation-making power in Article 81 being used for 3 years after the introduction of the 3 per cent G.S.T. (Goods and Services Tax) rate should be amended to allow for the rate to be reduced below 3 per cent within the 3 year period; and (b) to request the Minister for Treasury and Resources to bring forward for approval the necessary amendment to Article 84 of the Law to give effect to the proposal.

2.1 Deputy G.P. Southern:

Sorry, Sir, just having seen the exodus, I was just wondering if I should be somewhere else as well. Possibly. I thank Deputy Gorst for that constructive comment. Let us hope that this debate does not take as long as the last. It certainly should not. It is a very simple matter. This one is simple, genuinely simple. It concerns the issue of the Goods and Services Tax, as Members will recognise. When the Treasury and Resources Minister proposed to bring in a Goods and Services Tax, to help to fill the black hole produced by his Zero/Ten proposals, it was met with a great deal of concern by many in this House and indeed by many outside. One of the concerns was that G.S.T., which is seen as a taxman's dream tax, was likely to be raised at will and fairly quickly. That concern was expressed so strongly that the Treasury and Resources Minister promised, hand on heart, that he would cap the rate. If Members refer to my report they will see that was indeed the wording that was used on 17th May 2005: "Cap by law the rate at 3 per cent for at least 3 years from its introduction in 2008." Cap by law. Very strong words to make sure that the Treasury and Resources Minister cannot quickly raise the rate because that was the concern. So strongly was that expressed, that he would take the pretty exceptional step of putting it not in Regulations, but in the Law. Such was the concern. That was repeated when the law came to the House on 17th April 2007. In the explanatory notes it clearly says: "Article 8 specifies 3 per cent at the general rate of G.S.T. and this is capped for 3 years." Everybody happy. That was what we intended, that was what we thought we had done. But, no, in the speech we talk about "fixing the rate", and in the Law itself, if you turn the page to page 4 of my report, under Article 8, we have: "G.S.T. shall be charged at a rate of 3 per cent, it shall be charged on these goods. (3) The States may amend paragraph (1) by Regulations but this power in paragraph (3) shall not be exercised before the third anniversary of the day on which paragraph (1) comes into force." So we have not got a cap, we have got a fixed rate. That is not what we intended. It is not what we asked for and it is not what we intended. As the Minister himself says, no one can confidently predict fiscal measures or the political response in advance, talking about looking to the future. Whereas nothing has changed about capping the rate, let us ensure that it cannot go up quickly, it could be that this House - I doubt it but certainly the next House - might look at the financial situation around this, might recognise in 2008 or 2009 or 2010 that the economic situation is very, very positive. Possibly the £30 million additional revenue that we got in 2006 probably has been continued into 2007, may well still be around in 2008. It may not be, but that is not the point. It may be there and this House might want to think, of all the measures that have been introduced, do we need to scale-back and one of the scalings-back might be the G.S.T. rate. The argument here, and unfortunately the Treasury and Resources Minister in his comments has taken on the argument... the argument here is not would reducing the rate of G.S.T. be a good idea, a bad idea, a terrible idea, a catastrophic idea or the best thing since sliced bread? It is about do we want to give this House or the next one the possibility of reducing it and allow that very straightforwardly, by making an amendment that says, for example, the words might read: "The power in paragraph (3) shall not be exercised so as to raise the rate [clearly the intention of the House] before the third anniversary." For example, that is one way of doing it. To give them the opportunity to consider that and have the debate then, when no doubt the Treasury and Resources Minister, with some hat or a different one on, would be saying: "Absolutely catastrophic, do not do it." It may well be that some Members of the House would be saying: "Best thing since sliced bread. The economy is hunky-dory, we have got the £45 million covered by additional revenue. Why do we need G.S.T.? Can we re-examine this

issue?" That is what my proposal does. It puts into place what we intended. We wanted a cap. It does not even open the door, it unlocks the door. It says it is perfectly possible to consider reducing the rate should economic circumstances dictate that it is an appropriate thing to do. That is all it does. It is very simple, very straightforward. Does the House want to put into the G.S.T. Law what its intention was and free-up, possibly, a future House to consider issues around G.S.T. and its rate. That is simply all it does. It is very straightforward. I think Members can decide today whether they wish to change this Law or not without any great danger or risk. Let us not hear catastrophe-speak without going into the merits for or against raising or lowering the rate, that is not the issue. Do we want to put the key in the lock to unlock the door that we might want to go forward through in the future?

The Deputy Bailiff:

Is the proposition seconded? [**Seconded**] Senator Le Sueur.

2.1.1 Senator T.A. Le Sueur:

I will try and keep the House a short time if we can because I think really this is a debate which is untimely and unnecessary. We have already debated the G.S.T. Law and we agreed the wording of that Law. I think not only is the proposition unnecessary, it is potentially dangerous. The main reason is economic but also there is the issue of uncertainty. We know that the economy may be at present in a good situation, but because we know the economy goes in cycles, goes up and down and even if the cycle went up a little bit longer, there is no doubt that later it comes down again. G.S.T. is there to take account of a long-term situation, both the ups and the downs. Given the fact that the economy goes up and down, the solution which the States adopted was not to match the rate of tax going up and down in the same way, but rather to create a Stabilisation Fund. Last year we agreed to set up a Fiscal Policy Panel, we agreed to set up a Stabilisation Fund, so that when we had a bit of extra cash, we put it away into the Stabilisation Fund to be used when the economy then went on a downturn. There is a good reason for doing that, because when the economy is booming, if you do not take more money out of the economy, the likelihood is that you simply increase the inflationary pressures, so not only do you have economic growth but you have growth on growth because you then have inflation built-in. Inflation, as I need to keep reminding Members, is one of the things that this House has constantly to guard against and avoid. I urge Members not to take the idea that this is a good solution. In fact, if we follow that inflationary method, we would end up considerably worse and would come to regret what was simply a bit of short-term opportunist populism. I wonder if we were to reduce the rate of G.S.T. would that even be popular? I think the reality is most people, accepting the need for G.S.T., now want to see consistency and certainty. They do not want rates to go up and down year by year. They want to be able to plan and I think sending the message that we can have a flexible G.S.T. rate, admittedly only between zero and 3, but still a flexible G.S.T. rate, means that they cannot plan properly. It does not matter whether you are in business or a householder, shopkeeper, you want to have the ability and the certainty to be able to plan. In my budget speech last year, Sir, I gave the message that thanks to our current economic confidence, in my view we could keep G.S.T. not for 3 years but for many years to come. I want to maintain that situation. Not for it to go up; not for it to go down; but to stay fixed, to stay certain for those many years to come. I think what Deputy Southern is trying to do here, by creating this so-called flexibility, is to undermine that confidence or ability to maintain our 3 per cent rate into the future. We know that flexibility works in both directions and just as the 3 per cent rate is only fixed for 3 years, if it comes down in one year, it may well go up subsequently, even after 3 years, above that 3 per cent. I do not want to see that. I want to see that 3 per cent rate fixed for many years to come, maybe for ever. Yes, certainly there are funds available at the moment. That is not really the point. I think, in conclusion, I say that the Deputy suggests that there is nothing wrong with accepting this amendment, it is simply permissive, it is not mandatory. I think, Sir, that that is being a bit naive because there is no point in this House passing legislation if it has no intention of using it, so there must be a clear intention that within the

next 3 years we are going to change the rate to 3 per cent and if that message - that intention - were to be cemented into legislation, what does it do? It destroys business confidence. They would say: "Oh, there we are, the States had the rate of G.S.T. fixed, now they have changed their minds", so we lose business confidence and what happens, the economy goes down. Because the economy goes down, we have to put the rate up again so we are shooting ourselves in the foot if we try to do this. It is all very well-meaning and it may sound totally innocuous, I think it gives totally the wrong message, but furthermore, it is totally unnecessary. We have agreed to fix the rate of G.S.T. for 3 years, I want to keep it for many years to come. Those are good decisions which we took at the time and I see no reason to change them whatsoever, Sir. I think this amendment is a waste of time and we should reject it.

2.1.2 Deputy K.C. Lewis of St. Saviour:

I will be brief. I think Members know my opinion about G.S.T. so I will be supporting the proposition, Sir, but I am not 100 per cent happy with it because if we possibly drop 1 per cent, then we could be left with a defective machine in as much that it would cost more to collect than it is worth. What I would prefer, when it drops below a certain level, is to suspend the G.S.T. altogether. That would be preferable in my opinion, but I will be supporting this proposition.

2.1.3 Senator L. Norman:

I was pleased to second the proposition because one day I am sure that we will wish to abolish G.S.T. or at least reduce it to zero per cent. By adopting this proposition today, we will have the ability to do that sooner rather than later and that is why I want to support the proposition. I also want to support the proposition because of some of the comments made by the Treasury and Resources Minister, who I think has shown himself to be guilty of economic doublespeak. In his report he says: "It would be a serious case of economic mismanagement to reduce G.S.T. below 3 per cent. This would add to demand in the economy and inflationary pressures. We would be less well-off as a result, as higher inflation makes Islanders and our businesses worse off." To me, Sir, that is nonsense. If you take that logic to its conclusion, the Minister is claiming that the higher the rate of G.S.T., the lower the rate of inflation and the better off we will all be. If that were true, I would be standing here proposing the G.S.T. rate of 20 per cent and we would all be incredibly rich. The Minister, Sir, is talking nonsense. It is patently not true. What it shows is that the Minister is indicating that he still has not grasped - I know he has but he is just pretending he has not grasped - the difference between the rate of inflation and the cost of living. Quite simply, is it not an obvious truth that the higher the rate of G.S.T., increasing the rate of G.S.T., the cost of living goes up? That is bad. If you reduce the rate of G.S.T., the cost of living goes down and then we really are all better off and that is good. This proposition is not proposing to reduce the rate of G.S.T. in the next 3 years. It is not even saying that we should consider reducing the rate of G.S.T. over the next 3 years. It is simply saying give the States the ability to reduce the rate of G.S.T. if the economic situation requires it and it is the proper thing to do. That is all the proposition is asking. It is a sensible proposition and I shall be supporting it.

2.1.4 Deputy C.J. Scott Warren:

I support this proposition. The States Assembly has introduced a Goods and Services Tax that cannot be reduced at present below 3 per cent. When this level was set, I am not at all sure that States Members fully appreciated that the level could not be lowered by the introduction of the G.S.T. Regulations. In the event that the Island's long-term financial position does significantly improve, I believe a future States Assembly should have the mechanism to lower G.S.T. rates. It may not be wise and it may not be likely to ever happen, but certainly we should have that flexibility and that is why I am supporting this proposition.

2.1.5 Deputy A. Breckon of St. Saviour:

I can support the proposition as well because at the end of paragraph (a) it says: "The introduction of 3 per cent G.S.T. rate should be amended to allow for the rate to be reduced below 3 per cent within the 3-year period." I think, as the Treasury Minister has said, it is unlikely because of the timescale, the introduction, the yield and the other things, but I would like to take this opportunity, Sir, to remind him that in the not too distant future we will be debating P.17, which is amendments to the G.S.T. Law that gives exemptions or variations for a whole chunk of the finance sector. There are amendments to that as well and if that is not a variation... I think the Minister said: "We have legislation, we should stick by it unless we want to change it for somebody's benefit", which is what it appears to be saying, but what this proposition is saying is not that, it is just giving that leeway. I was interested this morning to hear one or 2 Ministers volleying-off about you must have the facts, you must have the information, we must be spot-on with the finances, but what the future project says is these proposals will raise between £5 million-£10 million. I would suggest, Sir, that that is ballpark estimates and if you look at the thing you have not got a clue - and there are no figures in there of what it will raise, so I think with that, if it was a lot more, then there may well be room to reduce the rate of 3 per cent somewhere else. I think the Minister is shooting himself in the foot here because he is saying there should not be a variation, and in a few weeks' time he will be proposing that we do exactly that. Exactly that. It is there in P.17 and if anybody has read it and they understand it, please can you contact me because the financial information is not there. That is smoke and mirrors. There is a £1,000 for this, £100 for that and it is just unquantifiable, I would suggest, in financial terms such that it is between £5 million-10 million. I think this is a simpler variation on that and it would allow for that, depending on the outcome of what happens when this tax is imposed.

2.1.6 Senator P.F.C. Ozouf:

We have heard contributions already in this debate from people who have, of course - and Members will recall - consistently opposed G.S.T. from the beginning and I suspect we will never hear an end to their opposition for G.S.T. I suspect that in the election speeches of certain people later on this year, we will hear no doubt people standing up and saying: "Well, I did everything possible to avoid the implementation of G.S.T. I even tried to put in place legislation in order to reduce the level." I think this is an important proposition for election year for some people and I am sad about that. Senator Norman speaks about the accuracy of the Treasury Minister's remarks in relation to inflation. He spoke about the link of G.S.T. and the R.P.I. (Retail Price Index). I think it is the same Senator Norman that is also supporting us on the issue of price indicators to ensure that there is the inclusive price on the shelf to ensure that indeed some of the G.S.T. is passed on. Has Senator Norman changed his view? Does he think that if the Treasury Minister would be able to reduce G.S.T. down from 3 per cent to 2 per cent, is he now saying that retailers would say absolutely fine, we are going to pass this 1 per cent on? There is a complete mismatch. There is a complete disconnect with his arguments. One minute he is saying no, we have got to have fully inclusive pricing because some of it is going to be absorbed with U.K. companies charging V.A.T; the next minute he is telling us that the G.S.T. is going to be passed on if we reduce the rate. There is an inconsistency in his arguments but I am looking forward to his strong support on the price indicators law that is coming forward. I would remind Members that we have debated G.S.T., and the reasons why G.S.T. was the best form of taxation, many times. I do not think Deputy Breckon wants to mislead the Assembly, but he did, I think, say something about the financial services industry somehow getting a free ride with G.S.T. I would remind Deputy Breckon that the financial services contribution of the £45 million for G.S.T. is £7 million. That is £7 million, if I am correct, that is the figure that is raised; £7 million that an alternative of a payroll tax or income tax would not have raised. We are gathering money from the financial services industry to the tune of £7 million. No free G.S.T. for financial services. They are paying £7 million of the £45 million. We are also going to be collecting money from the visitor economy, from people staying in the Island, all people who are going to be spending money in Jersey are going to be contributing for the services that we provide. There are good reasons, which we have rehearsed on many occasions,

why G.S.T., an indirect tax, is a sensible tax for Jersey to be putting in place. Not popular, I am fully aware of that, but it is the right decision for us. I am confident about the future of Jersey; I am confident about our public finances going forward. I am proud that we can say that we have one of the lowest percentage shares of government expenditure of the economy of anywhere in the world. I think in the U.K. they are going to be celebrating - I think it is around the end of June - when finally you do not work for the taxman anymore with about 45 per cent of the economy spent by the government. In Jersey we are the early 20s and it is going to be around March that we are going to be able to celebrate that we are no longer working for the Minister for Treasury and Resources in Jersey. It is something that we should all be very proud of. If we did find ourselves in a position of having a bounty of financial resources because of an even stronger economic situation - which I have to say the world outside is indicating somewhat differently - would we be cutting G.S.T. down from 3 to a lower percentage? First of all, I have to get over the problem that Members of this Assembly would, I suspect, not want to cut taxation receipts, they would want to increase expenditure. They would like to have some more skate parks, dare I say it. They would like to share the proceeds of growth by providing better public services, better education facilities and all the rest of it. I do not think it is honestly realistic to put a situation forward that we are going to really put up the prospect of cutting G.S.T. and not providing services. I say to Deputy Southern, he is a politician of a certain left leaning; he will admit that being a member of the J.D.A. (Jersey Democratic Alliance); he is a "tax and spend" person. He does not believe in low taxes and low government expenditure. He believes in high taxes and high levels of public services and yet he is bringing forward a proposition effectively promising to cut G.S.T. Does he really believe this? Does he really believe that it would be sensible to have a rate of G.S.T. at below 3 per cent with the cost of administration? Would that be something realistic? The 3 per cent rate is one of the lowest in the world. We are proud of that and the administrative cost of the system that has been designed is equally administratively low, but there is a point at which it becomes not sensible to collect a tax. Realistically, having originally proposed a 5 per cent rate, we did the calculations and came forward with 3 per cent. It is not realistic; it is not sensible; it is not proportionally sensible to start to even raise the prospect of cutting G.S.T. at below that 3 per cent. That single argument should be persuading enough for Members to vote against the decision. If Members were to find a situation, they had curbed their spending and had decided they want to cut taxes, if you had £7 million that you wanted to give away, would you give it away on G.S.T.? We have protected the poor on G.S.T. We have put in place income support; we have raised income tax allowances. Would we use that £7 million to cut G.S.T.? Would we use it to give it back to the financial services contribution of the £7 million or not collect it from the visitor economy? We probably would not. What we would be doing is we may change the 20 per cent rate... I am not saying the 20 per cent rate but we would change the exemption limits or we would introduce a new lower rate of tax or something like that or we would use it to bolster the low income support system or provide additional allowances for childcare or something like that. That is what we would do. To raise the prospect, to even suggest cutting G.S.T. below the 3 per cent is fundamentally flawed and I would respectfully say to Members it is a proposition motivated by an election year.

2.1.7 Deputy G.W.J. de Faye:

I am sure senior Members will have had this experience on a number of occasions and indeed yourself, Sir. This is my second time around where I am beginning to become aware of what election year means as the Assembly slowly drifts into a sort of parallel universe where unexpected propositions come through from unexpected quarters. I wish to flesh-out what to some extent Senator Ozouf has more than hinted at. I wonder how many of the Members can see the elephant in the room. It is always of interest to me whenever Deputy Southern brings a proposition forward to ponder whether it is indeed a Deputy Geoffrey Southern proposition, or is it a proposition from the Jersey - I will not say it - the Jersey Democratic Alliance? Presumably from the J.D.A. think-tank or is indeed Deputy Southern the J.D.A. think-tank or perhaps paddling pool. This indeed has all the hallmarks of a wonderfully constructed election ruse so that in due course the flag can be

flown saying we did everything possible to bring down the rate of G.S.T., we even wanted a law that would say that we can bring it down from 3 per cent to 2½, to 2, 1½, one. Whoever heard of approaching serious economics on the basis of reducing a 3 per cent tax to 2 per cent. It really does not add up and I had hoped that there might be some semblance of a cutting edge debate on modern finance and economics but this really is not that debate. This, as I have said, is just a jolly useful proposition to hang your hat on when the time comes round and to say to all those trusting voters out there - and indeed let us look at the sort of person: Baldrick sprang to mind. I thought this is what I will now call a Baldrick proposition. Here is a person who, apart from residential qualifications, has all the attributes of a J.D.A. member, and this indeed is a cunning plan. That, States Members, is all it is and that is why we should not vote in favour of it.

2.1.8 Deputy P.V.F. Le Claire:

Standing Orders say quite clearly that one should not impugn the motives of a Member when they bring a proposition and I am quite surprised that once again, in an election year, 2 prominent members of “let us bash the opposition by claiming that everything they do is electioneering”, have risen to their feet. Deputy de Faye speaks of the elephant in the room. I wonder if that elephant has small ears or large ears. If it has small ears, it might relate to trips to India. If it has large ears, it might relate to how big the buses are when we text which number they are going to turn up at to the National Gallery. The Executive will spend our time delaying us for years from bringing forward propositions until it is an election year and then they will trot out their fanciful schemes to impress everybody upon their capabilities. I think it is disgraceful that we are yet again impugning a Member’s motives by claiming he is electioneering. It happened to me last time round and I am leaping to my feet to say it should not really be happening this time around.

2.1.9 Deputy G.C.L. Baudains:

Deputy de Faye’s speeches are always entertaining but I am not sure parallel completely describes the universe that I and he inhabit. Referring to Senator Ozouf, Sir, I have to admit to being one of those people that he referred to who has consistently opposed G.S.T. and my belief that it is wrong for Jersey and all the reasons behind that have not changed. As usual, I also part with the Senator’s view of Jersey being well-off through low taxation, which of course completely disregards the very high cost of living that we have in Jersey, which is way above those other jurisdictions that do in fact have a higher tax rate. However, I also agree with some of the comments made by Deputy Lewis and a couple of other speakers because it is obvious that the more G.S.T. is reduced, the less efficient it becomes until one finally reaches a position where the cost of collecting it is barely overtaken by what is collected. I also agree with some of the words said by the Treasury Minister. Now, there is a thing. Certainty is required in business. I am very concerned by the thought of government trying to mirror the rise and fall of the economy with a commensurate rise and fall of G.S.T. I think that would be an absolute disaster. My second point however, Sir, is that I believe the mood of the Assembly, when it agreed the wording of the law, was that G.S.T. should not exceed 3 per cent rather than it should be at 3 per cent, and in that regard and only in that regard I believe Deputy Southern’s proposition better reflects what was intended at the time. I also believe what I think it was Senator Norman said - no doubt he will correct me if I have attributed the words to the wrong person - that the purpose of the proposition is not to reduce it, but to have the possibility that we can change it in the future to be less rigid. I am therefore minded at the present time to support the proposition.

The Deputy Bailiff:

Does any other Member wish to speak on the proposition? Very well, I call upon Deputy Southern to reply.

2.1.10 Deputy G.P. Southern:

I apologise to Members for the length of time it has taken to debate this very simple proposition because the 2 Ministers - Treasury and Resources and Economic Development - gave wonderful, impressive, excellent speeches about an issue we are not debating today. They are rehearsals for perhaps some time in 2008 or 2009, I do not know, some of us will be here, some of us will not, but they were not relevant to the debate today. Do not thank them. While they were good speeches, they were not for today. Put them to one side. What was relevant was, as is often the case, Senator Norman's contribution which went straight to the nub of the issue today, which is that this is not about going through the door, it is not about opening the door, it is not even about unlocking the door to a debate about G.S.T., it is about putting the key in the lock so that possibly, at some stage, if the mood of the House is supportive of it and if economic conditions indicate that it is appropriate, that possibility is there for this House or a future House. I maintain the proposition. I urge Members to support it because of the simple reason, as Deputy Baudains pointed out, if none other, this more accurately reflects, I believe, the intentions of this House when they insisted that the Treasury and Resources Minister cap the rate at 3 per cent for at least 3 years. This position has it, the Article we have unamended does not.

The Deputy Bailiff:

The appel is called for in relation to the proposition of Deputy Southern. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 17		CONTRE: 23		ABSTAIN: 0
Senator L. Norman		Senator T.A. Le Sueur		
Senator B.E. Shenton		Senator P.F. Routier		
Connétable of St. Clement		Senator P.F.C. Ozouf		
Connétable of St. Helier		Senator T.J. Le Main		
Connétable of St. Brelade		Senator J.L. Perchard		
Connétable of St. Martin		Connétable of St. Mary		
Deputy A. Breckon (S)		Connétable of Trinity		
Deputy of St. Martin		Connétable of St. Lawrence		
Deputy G.C.L. Baudains (C)		Connétable of Grouville		
Deputy C.J. Scott Warren (S)		Connétable of St. John		
Deputy J.A. Martin (H)		Connétable of St. Saviour		
Deputy G.P. Southern (H)		Deputy R.C. Duhamel (S)		
Deputy J.A. Hilton (H)		Deputy J.J. Huet (H)		
Deputy P.V.F. Le Claire (H)		Deputy R.G. Le Hérisssier (S)		
Deputy D.W. Mezbourian (L)		Deputy S.C. Ferguson (B)		
Deputy A.J.D. Maclean (H)		Deputy of St. Ouen		
Deputy K.C. Lewis (S)		Deputy P.J.D. Ryan (H)		
		Deputy of St. Peter		
		Deputy G.W.J. de Faye (H)		
		Deputy of Trinity		
		Deputy S.S.P.A. Power (B)		
		Deputy I.J. Gorst (C)		
		Deputy of St. Mary		

3. Manual Workers' Joint Council: Employers' Side Membership (P.24/2008)

The Deputy Bailiff:

We come next to the Manual Workers' Joint Council: Employers' Side Membership - Projet 24/2008 - lodged by the Chief Minister. I will ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion, in accordance with their Act dated 9th November 1961, as amended, concerning the membership of the Manual Workers' Joint Council to

appoint the 4 representatives of the States to serve as members of the Employers' Side of the Council for 2008 as follows: Deputy Ian Joseph Gorst of St. Clements; Senator James Perchard; Mr. Michael John Pollard, Chief Executive Officer Health and Social Services and Mr. John Richardson, Chief Executive Officer Transport and Technical Services.

The Deputy Bailiff:

Are you acting for the Chief Minister here?

3.1 Senator T.A. Le Sueur (The Minister for Treasury and Resources - rapporteur):

Yes, Sir. The Manual Workers' Joint Council acts as a discussion and negotiating group between employer and employer representatives of the States and there are 4 people representing the employers' side, 2 States Members and 2 chief officers. Until last year, Deputy Maclean had served on the Manual Workers' Joint Council and I thank him for his efforts in that regard but it is now time for a replacement. I am please to announce that Senator Perchard, the Assistant Minister for Health and Social Services, has been prepared to stand as a member of the Manual Workers' Joint Council. Health and Social Services is of course a very large employer of manpower and his presence on that council would be very helpful. I would also like to thank the other members who are continuing on the council, Deputy Gorst and the 2 chief offices, the Chief Executive of Health and the Chief Executive of T.T.S. (Transport and Technical Services). I make the proposition.

The Deputy Bailiff:

Is the proposition seconded? [**Seconded**] Does anyone wish to speak on the proposition? Deputy Le Hérisssier.

3.1.1 Deputy R.G. Le Hérisssier:

Notwithstanding the fact that Health and Social Services are the largest employer and that we have 2 eminently qualified people from that department or Ministry, is it not overloading it by having 2 people - one on the Civil Service side and one on the political side?

The Deputy Bailiff:

Does any other Member wish to speak? Very well I call upon the Minister to reply.

3.1.2 Senator T.A. Le Sueur:

I do not think it is, Sir. I would far sooner have 4 people who have the ability to do the job and I believe in this group we have got 4 people with ability. I maintain the proposition.

The Deputy Bailiff:

All those in favour of adopting the proposition kindly show. Those against. The proposition is adopted.

4. Draft Distance Selling (Jersey) Law 2007 (Appointed Day) Act 200- (P.26/2008)

The Deputy Bailiff:

The final item in Public Business is the Draft Distance Selling (Jersey) Law 2007 (Appointed Day) Act 200- - Projet 26/2008 - lodged by the Minister for Economic Development. I will ask the Greffier to read the Act.

The Greffier of the States:

Draft Distance Selling (Jersey) Law 2007 (Appointed Day) Act 200-; the States pursuant to Article 26(2) of the Distance Selling (Jersey) Law 2007 have made the following Act.

4.1 Senator P.F.C. Ozouf (The Minister for Economic Development):

On a happier note to conclude today's business, I am delighted to remind Members that the Distance Selling Law was unanimously passed by the Assembly back in July of last year. The short report that Members have on their desk I hope gives a concise summary of how the Law will protect consumers when they buy goods from a Jersey trader on the internet that they will never meet face-to-face. This Law is absolutely vital to maintain the international trading reputation of the Island, particularly in the days of booming internet sales. I am delighted to report to the Assembly that we continue to see growth and that we continue to see success with our home-grown online retailing, despite some of the fears that were expressed by some about the future of online retailing. We have been working very hard with most of the companies that were affected by the changes last year and indeed our home-grown online retailers have seen their sales booming. I have also seen first-hand in the last few weeks how the very threat of this Law - the fact that it had been passed by the Assembly - has been of assistance to our trading standards in resolving some complaints from people that have used Jersey online retailing companies. I have to say standards are very good generally, but this Law is going to codify the rights of people transacting. The approval of this Appointed Day Act will finally bring the Law into force on 1st March, it will provide the teeth to trading standards to ensure that any distance sellers who ignore those responsibilities are brought into line and meet entirely all the international obligations. I commend the Appointed Day Act to the Assembly.

The Deputy Bailiff:

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

4.1.1 Deputy P.V.F. Le Claire:

I declare an interest as somebody who sells C.D.s (compact discs) and D.V.D.s (digital versatile discs) over the internet, but I wanted to say I am going to support it although it is not an issue that is required by Standing Orders to do that. I just wanted to know if it was possible, given that these requirements are going to include a stipulation that people selling online have a set of words on their website that let the purchasers know what their conditions and their rights are. I wonder if it would be possible if the Minister could ask the Trading Standards Department to make available an approved set of words that fit the requirements of the Law available on the Economic Development website perhaps or posted to businesses so that they could make sure that their obligations in informing other jurisdictions about their legal requirements in Jersey would be able to simply be copied and pasted into their websites, which would greatly facilitate the enabling of this Law in my opinion, Sir.

4.1.2 Deputy R.G. Le Hérissier:

Notwithstanding, Sir, the very high postal rates which sole traders have to pay, would the Minister reassure the House that this applies to people operating as sole traders through agencies like eBay.

4.1.3 Deputy G.C.L. Baudains:

Naturally I support the proposition, as I believe I did previously, but I still have the same concerns I had previously because this is basically a feel-good proposition. It protects those buying from us, but it does nothing to protect the consumer in Jersey and I would just like the Minister, when he is summing-up, to advise whether or not that issue is being looked into and indeed whether it is possible to be achieved.

The Deputy Bailiff:

Does any other Member wish to speak? Very well, I call upon the Minister to reply.

4.1.4 Senator P.F.C. Ozouf:

I will just answer very briefly those 3 questions. Deputy Le Claire - I am not sure if he has his own internet site selling his C.D.s, but I will certainly ask Trading Standards and the Enterprise and Business Development team if we can create any standard set of words for retailers. I would say

Trading Standards have been in contact with most of the online retailers and I am not aware of any particular issues that arise from that. This is very much an international standard which good internet traders are already providing as a minimum standard. I will see whether we can do anything to help. In relation to Deputy Le Hérissier, I will, through you Sir, meet with Deputy Le Hérissier and the J.C.R.A. (Jersey Competition Regulatory Authority). I have lost count of the amount of times that he uses his position over there to raise concerns about postal rates and all the rest of it. I have to say we do not necessarily agree. I answered questions in the Assembly yesterday to him and I will have a meeting with him and with the J.C.R.A. to see whether I can avoid him referring to this matter again in the Assembly. In relation to eBay, I have to say that I have to research that issue for Deputy Baudains. I am not exactly sure. I have the copy of the Law with me but it is obviously designed to cover the internet traders who are selling to both Jersey consumers and consumers elsewhere that effectively is not a face-to-face transaction. I am not entirely sure, as I stand here, whether or not an eBay transaction, which is effectively for example between an individual in the United States and the United Kingdom, would be covered by this. I am not sure it is. I think it is covered by the domestic laws of those particular countries. I think that is the case, but I will confirm that and I will inform Deputy Baudains of that. As to his general comments about consumer protection matters, we may be the Ministry for Economic Development, but we are also the Department for Consumer Affairs and we have an important agenda of improving consumer protection and consumer legislation on our agenda. If Deputy Baudains wants to come to the briefing on 4th March where we are going to be discussing the Economic Development plans, I am happy to include a special section, with a written brief, on exactly what the programme is on that and also we are going to be working with the Consumer Council over the next few months in order to further reform them to give them more teeth and to give the consumer voice the right and most appropriate voice to deal in the decisions that they have to take. With those concluding words, Sir, I move the proposition and welcome this as an important piece of international legislation to protect Jersey consumers and Jersey businesses.

The Deputy Bailiff:

All those in favour of adopting the Act kindly show. Those against. The Act is adopted. That concludes Public Business.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

The Deputy Bailiff:

We move to arrangements for future public business and I invite the chairman of the P.P.C. to ...

5. Connétable D.F. Gray of St. Clement (Chairman, Privileges and Procedures Committee):

I would like to propose the arrangement of public business as listed on the Pink Sheet under M, with the addition on 1st April 2008 of P.35/2008, which is the Committee of Inquiry into Operation of Third Party Appeals. That is the only addition, Sir, at this time but I would just like to take this opportunity to point out to Members that the agenda for 11th March is quite heavy and it is likely that it will extend at least to the Wednesday and possibly until Thursday.

The Deputy Bailiff:

Very well, so between 2 and 3 days.

Deputy P.J.D. Ryan of St. Helier:

May I make a comment please, Sir? If it helps the Assembly, perhaps I should give the Assembly a little bit of advance warning about P.185 - the Draft Taxation and Land Transactions (Jersey) Law. It is the intention that, subject to the States agreeing the principles of this Law, that my Scrutiny Panel will be calling it in for scrutiny of the legislation to see whether it is fit for the purpose. The

reason for me giving the advance warning to the Assembly is that that might mean that what might otherwise have been a very lengthy debate on this, may well be curtailed because the Assembly, as I am doing now, will have advance notice that my Panel will be calling it in. Assuming that the States agrees the principles, we will be calling it in for legislative scrutiny so that might mean that that particular debate might be considerably less than it might otherwise have been. Thank you, Sir.

The Deputy of St. Martin:

Could I ask the chairman of the Corporate Panel - this particular proposition was lodged at the beginning of December, why be called-in 4 months after lodging?

Deputy P.J.D. Ryan:

The reason that we will be calling it in is not on the principles. I need to make that very clear - not on the principles but on whether the Law itself will achieve the principles that the States intend.

The Deputy Bailiff:

Are there any other comments in relation to the proposed programme? Very well, all those in favour of adopting the programme kindly show. Those against. The programme is adopted as set out there with the addition on 1st April of P.35. That concludes the business of the Assembly. We will reconvene on 11th March.

ADJOURNMENT