

# STATES OF JERSEY

## OFFICIAL REPORT

THURSDAY, 22nd MAY 2014

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[9:32]

**The Roll was called and the Greffier of the States led the Assembly in Prayer.**

**PUBLIC BUSINESS – resumption**

**1. Residential rental property: minimum standards and a register of landlords (P.42/2014)  
– as amended- resumption**

**Connétable J.L.S. Gallichan of Trinity:**

Sir, I was not here at the beginning of this debate. Could I just declare an interest as being a landlord?

**The Bailiff:**

Yes, if you wish.

**Connétable J.E. Le Maistre of Grouville:**

Sir, like the Constable of Trinity, I was not here at the beginning of the debate but I would also like to declare an interest.

**The Bailiff:**

Very well. Thank you.

**Deputy J.A.N. Le Fondré of St. Lawrence:**

I had better declare the same then, Sir.

**The Bailiff:**

Very well.

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

Could I just inform Members that I will be attending a funeral this morning. Thank you.

**The Bailiff:**

The Greffier has advised me that yesterday, as one would expect, people were declaring their interest as landlords but not withdrawing. In other words, it is not a direct financial interest. Very well, so we return to the debate on P.42/2014 as amended. Does any Member wish to speak?

**1.1 Senator A. Breckon:**

Just a few words. I think the idea of establishing an inspection process is a good one. It has certainly improved the lodging house area, where it used to come years ago under Tourism and has moved there and it has certainly improved things a little bit. I heard what the Constable of St. Peter said yesterday and I have also, sadly, witnessed some of these places where there might be 20 rooms really, they are not much more than that. They are not very far from where we are now. They are in and around the town, many of them, St. Helier into St. Saviour. If you drive past you do not realise what is actually behind there. Some are fairly basic, never had much money spent on them for years, but the other thing, which is important, is that millions of pounds in cash is changing hands in these places every Friday night. Sometimes there are 20 rooms within an old town house and it is fairly basic. People are sharing some facilities. Having said that, there are some that are much better quality and that is why I remember when it came under Health and Social Services they had a presentation at the Town Hall about looking at things, but it is not about this. It is about making sure that heating appliances are not sending out fumes, there are dangerous staircases and general facilities, so it is a general improvement. I think at the time there was some scaremongering about this being too invasive but it is not about that at all. It is about raising the

bar and raising the standards. The other thing that is mentioned in there is the Rent Control Tribunal. Well, there may be some misunderstanding about where the tribunal can go. What it cannot do is it cannot take into consideration the level of average earnings or how much the pension is. At the moment it is constrained. I know there was a legal challenge to a decision of the Rent Control Tribunal many years ago and it was because it was considered they had strayed away from where they should have been, which was comparing with others. I think it could be looked at in the round because affordability and quality are issues for many people, so I think it could play a role, but what has happened in many leases now is that the actual ability to take something to the Rent Control Tribunal is excluded. There used to be quite regular sittings of that, mostly on behalf of groups of tenants in a particular block of flats. I know over the years I have been involved with a few of these and it is hard to compare sometimes if you have 60 flats somewhere with one or 2 somewhere else, so there were some arguments from experts about what the rent should be, but in general terms the tribunal was members drawn from members of the public who had some experience of this who were giving an opinion. It was a useful forum. I know that was something that Senator Le Gresley in a former life sometimes referred people to as a way of getting remedy to their dispute. It was useful at the time, but it is perhaps time to revisit that and reinvigorate that. The reason I say that is because in many instances people in these situations have got nowhere to go because they do not have and they have not had that many rights of tenancy. If they are seen to be stirring things up a bit they could be evicted and then they have no case because they do not live there anymore. I have direct experience of seeing that happen. The other thing is, coming back to some of the accommodation, there were a number of agencies and people who were hangers-on, as it were, to the system. They would charge people arrangement fees and things like that and sometimes they just used to sit outside in a car and give people a key and say: "Go and have a look at that" and charge them £100 for the privilege. So there are all sorts of sharp practices there that need to be looked at in the round. Sometimes these are people who have not been in the Island very long and they get drawn into this: "Well, do I have to do that? I have got nowhere to live" and whatever. We have done something but I think we could do more. The other thing is I was interested when we have been talking about category (a) office space and how it is a good idea to have competition and be doing that, but what happens about people looking for residential accommodation, about them looking for that and then going on some waiting list and applying for these sort of things? I think we could do more because people are willing to pay a fair price for a decent lease for good quality accommodation but at the moment many people are probably being asked to pay too much. Again, as some of us may know, it is a question of sustainability; how long will it be before this bubble really does burst? It may be not too far away if things are heating up again. I think what Deputy Tadier is proposing are sensible proposals and I am pleased that the Minister for Housing and the Minister for Health and Social Services have adopted a can-do approach to it to say: "Okay, if we alter that a little bit" rather than just say: "We oppose it." I think this has to be welcomed and I hope Members will support this as amended because I think it is worth doing. It is a step forward and it is a step forward for many people who perhaps cannot speak for themselves or stand up for themselves or feel ignored and unprotected and being taken for a lot of money without much recourse to anything at all. Anything that puts something in place that will assist that is welcome. Organisations like Citizens Advice would certainly point people in the right direction, so that if something was in place it would be well used. That is the reason I will be supporting this.

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

I just wonder if the Minister for Housing will take this opportunity to address the question I posed yesterday, which he did not do in the addressing the amendment.

[9:45]

How will the Minister, in the absence of some form of rental control, control social rent levels since they are now set at 90 per cent to the private sector, free market rent levels? So, in a free market for rental that we are attached to in terms of social rental, how do you get any control whatsoever? You just go with the market and if we get a sudden surge in rental levels, as we have seen in previous years, for example rents going up by a quarter in the private sector over a 3-year period, so a sudden boom, how will that be affecting the social rental levels in the absence of control? The third element of this particular amendment to investigate control I believe is absolutely essential.

### **1.1.2 Deputy G.C.L. Baudains of St. Clement:**

I was intrigued yesterday by I think it was the opening comments of the Minister for Housing about there being properties that did not have the full facilities, a toilet at the end of the garden and all that. I know he lives in a part of the Island that has barely been touched by civilisation but I did not realise that there were still properties like that in existence. I joined the Housing Committee in 1998 and Senator Ozouf, then Deputy, joined it in 1999 and he will be able to confirm that we visited many properties. There were some serious problems in those days and I must admit I never came across that type of housing. As Senator Breckon has just alluded to, there were lodging houses in those days, and some of them left rather a lot to be desired, but they were already regulated by Housing. So I am wondering if we are suggesting that what is being proposed does not work and yet we are going to widen it to all rented property. Having listened to the Constable of St. Peter yesterday, I know he has highly polished shoes but apparently he needed different shoes when entering some of these properties. All I can say is he should have been on the Housing Committee when I was when you did not need shoes. You needed a shovel because some of the properties were up to your knees in rubbish and excrement and last year's pizza and all that sort of thing. Some of the properties were absolutely unbelievable. We would go into Housing properties and find there is no kitchen. It has been taken out and sold at Glencoe. The floorboards have been ripped up. In one case, there was a large hole knocked in a wall because the tenant found it easier to go that way to next door rather than round through the passage. What I am trying to say is that I think we are losing the balance of the argument here because we are saying we have got big bad landlords. Yes, the landlord is responsible if the property is not properly insulated or there is inadequate lighting or inadequate facilities, but when you go into a property that is full of filth and totally neglected, that is the tenant's fault. It is not the landlord's fault. It is certainly not as much of a problem as it used to be because tenants now have the ability to vote with their feet. Supply and demand has changed. Back when I was on the Housing Committee in 1998, 1999, 2000 there really was not any choice because the demand exceeded the supply, so you took what was available. Now, as I think possibly the Minister for Planning would agree, there are quite a number of building permits not being used at the present time because the developers find it is not the right time to do so because supply and demand has gone the other way. There is little demand for these properties and they are not building them. I know of several properties for rent where the landlord cannot find a tenant. They are not slums. In fact, I offered to buy one of them it was that nice. It is not always the landlord's fault. It is my view that if we want to keep prices down and availability up we do need some protection for the landlords as well because landlords can have serious problems with their property being seriously damaged. We have discussed this previously in this Assembly. The idea that you can get recompense from the deposit or something rarely works. If the tenant does not pay the rent for the last month or 2 or 3 then the deposit has automatically been absorbed into that and then how do you repair £20,000 worth of damage? I appreciate that these proposals are well intentioned but I do think in some ways they miss the point. I think it is coming at it from a slightly different angle. As I said, there are fewer problems than there used to be because the ratio of supply and demand has changed and tenants do now have the ability, especially with the benefit of income support, to choose. There is no need for them to live in an inadequate property and if their property remains empty the landlord had better do something about it because

otherwise he will have the property on his hands unlet and be a liability. There is a problem. It is not as bad as it used to be but I am not sure this will do a great deal towards solving it.

**Deputy R.G. Le Hérisssier of St. Saviour:**

On a point of clarification, there is a danger that the Deputy's remarks have besmirched a whole group of people. Could he tell us what percentage, from his experience on the Housing Committee, were those people he cited? Secondly, could he give further evidence on how supply and demand has changed? I am quite surprised it is now so favourable. That is not the evidence.

**The Bailiff:**

I think that is a point for you to make when you come to your speech, Deputy Le Hérisssier. It is not really clarification. It is asking...

**Deputy G.C.L. Baudains:**

To clarify the first part of the Deputy's question, when I was on the Housing Committee I would say our agenda was a fairly heavy one most times, almost equal to our present planning applications agenda every fortnight, and half, if not two-thirds, of it was dealing with this sort of problem. Having visited properties, we found that, as I say, a lot of properties, especially Housing properties, were severely damaged by tenants. We obviously had other problems with people wishing to get their qualifications early, because in those days there was a 20-year limit and people needed to move out of the unqualified, especially the lodging houses which in some cases were not adequate.

**1.1.3 Deputy J.G. Reed of St. Ouen:**

Members will already realise that I have significant concerns in general regarding this particular proposition, but I really do stand to make a number of comments regarding the amended proposition. First of all, I do take offence when certain Members suggest that my comments are promoting the view of the landlords simply because I happen to be one and I would hope that the Members who know me would realise that I am far more principled than that. I equally agree that the ideas and the thoughts behind this proposition are generally very sound. However, I feel that States Members seem to have forgotten about the decisions that have already been taken in this House with regard to the individual that is supposed to be responsible for all housing matters, and that is the Minister for Housing. Yet it seems we have heard the Minister for Housing pass some of the responsibility on to the Minister for Health who has far more significant matters that need to be dealt with, that we have already supported and agreed, rather than start looking at this and bringing forward for approval minimum standards for all categories of residential rental properties and a framework for the inspection and regulation of such properties. I equally struggle to understand that, when we have freed up the Minister for Housing to concentrate on all housing matters by creating the Housing Association, he seems to still not wish to grasp the nettle and deal with the matters that really are important. Yes, there may be a role for the Minister for Health in creating some form of framework for the inspection and regulation of such properties, but let us not forget that the Minister did not promote the involvement of the Minister for Health when it came to meeting and regulating the housing standards within our social stock. I believe he wanted to pass it to somebody else, a regulator in this case. So I really am, as I say, struggling with this matter. The Minister is currently, until an alternative decision is made, responsible for all housing matters and heads up the Strategic Housing Unit, albeit that it is still fudged because the Strategic Housing Unit somehow still sits in the Chief Minister's Department, even though we have said that the Minister for Housing is the man responsible and not the Chief Minister. Where they are placed does not necessarily matter. The important matter is what they are doing, how they are doing it and how effective they are. By suggesting that the Minister for Housing and the Strategic Housing Unit obviously want to still co-ordinate and deal with certain matters, but not what some may regard as basic issues regarding the standards of residential rental properties, still leaves me at a loss. But

currently as amended this is what the States have now agreed to, that the Minister for Housing can pass some of that responsibility to the Minister for Health. With regard to the creation of a register of landlords, one comment I would like to make is that in some respects some form of register, or at least information, is available because all landlords with property that is let are required to pay 20 per cent tax and the Tax Department is well aware of all landlords and their financial commitments relating to paying rental tax. So there is a way, perhaps a relatively easy way, if the States decide to create some form of register based on information that is already provided and captured within the Income Tax Department. Finally, I really have to restate the issue about the timing. It is fine for the States Assembly to wish to deal with these matters but we have to recognise that when we commit to doing pieces of work within certain lengths of time we raise expectations. I challenge anyone in this Assembly to commit to doing all of this work and, I will restate, bringing forward for approval all of these matters by 31st December especially as all Members are up for election in October. We are all aware from the activities of the current Chief Minister and the Council of Ministers that they will determine, or at least the new Council of Ministers will determine, exactly what strategic priorities and issues they will plan to deal with in a new Strategic Plan that will be agreed by the new States. Setting timescales that we cannot meet when we have already got significant matters that have been left, delayed, not dealt with I think is foolish in the extreme and I would much prefer this Assembly to say to people that this is a matter that needs to be done but it cannot be done in the timescale allowed and it needs to be dealt with appropriately by the individual that we have put in charge to deal with it, namely the Minister for Housing. Therefore, I cannot support this amended proposition.

**The Bailiff:**

Before calling the next Member, can I draw Members' attention to some distinguished visitors who have just come to the gallery. They are the members of the Fiscal Policy Panel, which as you know plays an important role for Jersey. There is the Chairman, Mr. Dixon, and Mr. Christopher Allsopp CBE. They are existing members and they have been reappointed recently, but there are 2 new members coming to see the States for the first time: Ms. Tera Allas, the former Director General of Strategic Advice at the U.K.'s (United Kingdom) Department for Business, Innovation and Skills, and Ms. Kate Barker CBE, who is a former member of the Bank of England's Monetary Policy Committee. I am sure Members will wish to welcome them. **[Approbation]**

[10:00]

**1.1.4 Senator F. du H. Le Gresley:**

I was going to talk about economists but I am very wary of the reaction I might receive. **[Laughter]** We are talking about rent control and I did some research on rent control a few years ago. It seems a long time ago but it was in 2010, and Deputy Tadier has made reference to some questions I asked of the then Minister for Housing, Deputy Power. Economists are divided on the merits of rent control and some of the reasons why rent control is opposed is because it reduces supply and it prevents investment in existing stock. If we think about what I just said there, it reduces supply and prevents investment in existing stock. The biggest landlord on the Island has had rent control for years now, and that is the States of Jersey. We have had rent control in our portfolio because the rents have been restricted up until very recently to the maximum rents set by income support for the accommodation component. We have removed that. Why have we removed it? Because we have been told, and I am sure it is absolutely true, that we need to make an investment of £200 million, as the biggest landlord in the Island, in improving our stock to decent home standard and also to provide another £50 million for new housing units, new social housing. So we have to be careful what we say sometimes. We want rent control for the private sector but as a Government body we decided that rent control in social housing that we provide is not working. I am not advocating for either side, I should stress, because I have leanings towards

the need for rent control in the private sector but there are issues that need to be considered in the round. One of my responsibilities at Social Security is income support and, as Members know, we recently agreed that in line with the White Paper for Housing we would change the method by which we decide on the level of rents for tenants in the private sector. We have invested another £750,000 this year and further monies going forward to assist tenants in the private sector. What we have done is we have decided to set the maximum rents in the private sector at 95 per cent of the average equivalent rent in the social sector, so we are tying ourselves to social sector rentals, particularly those in what will be the new housing company. The issue there is that when we receive a new application from an income support household who are living in the private sector, whether that is a brand new income support claim or whether it is an existing claim but they are moving property, we have no ability to assess whether the actual rent that they are being charged is fair and reasonable because we have to say: "What you are telling us, your lease shows that the rent is above the new figures that we are now allowing. You have to use some of your own personal income or certainly have some of the other components that we award if you wish to stay in that property and afford that rent." What we would like to do, I suppose, in reality is to say to the prospective income support claimant or the existing claimant: "We would like your property that you wish to go and rent inspected to see whether the rent is fair. Is it fair in relation to the quality of accommodation that the States is paying for?" In some cases, particularly somebody who is unemployed, we could be paying the whole of the rent, and more, and therefore it is only reasonable I think that income support, and the Government if you like, would wish to know that it is a fair rent that they are paying for and that the accommodation meets decent home standards or is at least reasonable. We cannot do that at the moment and I think what Deputy Tadier is proposing is a step towards that because we would be able to request perhaps an inspection by the Environmental Protection Department or something similar, with the permission of the prospective tenant. So I think we are moving in the right direction with this proposal from Deputy Tadier. I am willing to support it, but I go back to the caveat around rent control. I am not sure that it works. I sort of feel deep in my heart that it could work in Jersey but the evidence from the U.K. and other places, and America I believe, is that it does not actually work in many communities.

#### **1.1.5 Deputy A.K.F. Green of St. Helier:**

I have to say I am not quite sure where to start because I am amazed at some of the comments that have been made, particularly from my good friend the Deputy of St. Ouen. I think where I would like to start is with Deputy Baudains and his description of some of my tenants and I want to totally disassociate myself from those comments. **[Approbation]** 99 per cent of tenants are hardworking, pay their rent, make their contribution to society. They just sometimes do not have the capability to earn sufficient funds to house themselves, and that is why we have social housing. It upsets me when I hear comments like that, which may have been relevant, very relevant perhaps, in the dim and distant past but they are not relevant today. I would also like to say to the Deputy that he waxes lyrical about the quality of housing in Jersey. I have an email that came in 10 minutes ago from the head of Environmental Protection: "We found a property in St. Peter last week without any toilet facilities." They exist; I do not imagine them. I have seen some of them and I am embarrassed to be a part of that, and we can do something about it. Now I am going to tackle some issues raised by my good friend the Deputy of St. Ouen, my Deputy currently. Unfortunately I will not have the opportunity to support him next time. But seriously, I am absolutely amazed at some of the comments he made. He is suggesting that I, as Minister for Housing, should set up a brand new department to set the minimum standards, to inspect them, to have statutory rights, when the standards could be set by S.H.U. (Strategic Housing Unit) through the Minister for Health. All of this exists now. We have a department that is ready to go, that it is part of their brief throughout the U.K., not just in Jersey. The brief of the members of the Chartered Institute of Environmental Health throughout the whole of the U.K., not just in Jersey, is health from housing to food hygiene

and anything else in between. Now we are saying: "Let us set up a new department to do the same thing, to duplicate that work." I am absolutely amazed and I am sure if I brought forward a proposition to do that the Deputy of St. Ouen would be telling me I am wasting public money and I should be looking around to use existing facilities and resources that are already there. My gash is flabbered, it really is. I really just cannot believe some of the things. I am not passing the buck. I am quite happy to stand here and take responsibility for housing in Jersey. Until recently the Minister for Housing might have had the title but only really had influence over social housing. I am prepared to take on the portfolio, and in fact I think the States have said they want me to take on the portfolio for housing in Jersey, but I am not going to do that in isolation. I am going to work with the Minister for Planning and Environment. I am going to work with the Minister for Health, and that is what we should be doing. The Minister for Treasury supports me as well. We have set up a Strategic Housing Unit with some advisory oversight from officers and from appropriate Ministers. Why would we want to reinvent the wheel? I would like to pick up now on a couple of points from the excellent speech from the Minister for Social Security. I agree with him that I have the same doubts - questions may be better - over rent control. Everything I have read tells me that rent control does not work and the best thing we can do is to increase supply. It is an interesting point that the Minister made when he said that we had rent control in social housing and it did not work. The way that we tackled the problem in social housing before was to create another problem. We tackled social housing rents by not doing the maintenance and therefore not having to put up the rents to the level that they should be and then we end up with £80 million worth of outstanding maintenance, a 20-year plan to put it right and £207 million of investment. Many tenants need support. They should not get that support by lowering the standards of their housing. They should get that support, as they do get that support now, through the rent component through social security and the Housing Department should get the proper rent in order to be able to invest in maintenance and in building new homes. We must learn from the mistakes of the past. Deputy Tadier's proposition is well intentioned and I think he is pushing, as far as I am concerned, at an open door. I promised to bring in regulation for social housing and, as I said in question time before, it has become very evident to me that regulation in social housing is required but regulation in all rental housing is also required. It has worked to some degree. The lodging house regulations have significantly improved the conditions in the lodging houses but we can do better and we must do better. One of this Council of Ministers' strategic aims was to house our community. Everybody has a basic right to be housed properly. The rent that Deputy Southern keeps referring to, I do not think we are ever going to agree on this. You must have the right amount of rent coming in to do the maintenance and to invest and you must support, through the housing component at Social Security, those that need help to access it to the appropriate level for them. That is why, of course, as the rents have gone up we have seen the money allocated to Social Security to help to do that. The best thing we can do - and it is back to it and I say it time and time again - for our community is we must increase supply, supply of affordable housing, supply of rental housing that is affordable but also supply of affordable housing for our young couples or not just young couples, for our community to purchase, houses that they can afford to purchase, be that through deferred payment schemes, shared equity. One of the things that I favour is rent-to-buy whereby a couple perhaps are struggling to get a deposit together but they could rent the unit for a number of years and that becomes their deposit and then they get a mortgage to buy the rest. We need these imaginative schemes and that is part of our plan. I do not know what the Deputy of St. Ouen thinks I do; sit in my office and twiddle my thumbs? We are doing so much work and I am getting so much support. I could not have had more support from my colleagues in the Council of Ministers and I am very grateful for that in moving this forward. To sum up, I think I have covered most of the points. There is a point there about landlords. When the Residential Tenancy (Jersey) Law is fully established with condition reports, deposit protection and everything else that we have, that puts the relationship - and there are good tenants and bad tenants, there are good landlords and

bad landlords, like that one in St. Peter that I have just referred to - on a fair footing for both, a clear understanding of what is expected from both sides. This might be one step too far for some people but I wonder, working with the Minister for Social Security, whether we could look at certain private landlords who reach a level that we are happy with, decent home standard or whatever, and they could become approved social housing providers as well and take people off the gateway to help with the waiting list. These are just things that we need to investigate, things that we need to do. One of the things that we have got to do, we have an ideal opportunity now - and I know we have had this debate and we will have further debates in a couple of weeks' time - is get on with the work now, get on and build those homes. At the moment the construction industry is beginning to find work and still needing work. We can get out there and get our homes much cheaper than we will do if we leave it very much longer.

[10:15]

So there is a lot going on but it is about increasing supply as far as I am concerned. A register of landlords I am prepared to look at. We may well have that information in a different format for a different reason, fine, but we will look at it. The rent control, as I said, even though I have my doubts about it, I will be open minded. I need to take advice but I may well commission somebody like Professor Christine Whitehead to look at it, somebody that could bring a lot of other experience. So I will support this. I urge Members to support it. It is well meaning and not only well meaning, because we sometimes say that and then vote against it, it is well meaning and right and it is appropriate. We can get on and improve things for our community.

**Deputy G.P. Southern:**

Could I press the Minister? He has not addressed my fundamental question, which is what control will there be, if any, over social rentals when you have linked them to 90 per cent of the free market rentals?

**Deputy A.K.F. Green:**

The Deputy and I will never agree. I have answered it: increased supply that will maintain the price. We will not need controls.

**1.1.6 Deputy J.H Young of St. Brelade:**

I will begin by declaring an interest. I do have a property rented and so does my wife. I was not present for yesterday's amendment debate because I did not pick up on your ruling, Sir. I am fortunate enough to live in a very beautiful part of the Island, St. Brelade, and lucky to live in a nice home, but I do have some familiarity with bad housing conditions. In the early years when I first came to the Island, because I needed to I took part in a number of censuses in town areas and town districts and there I saw for myself and I was really quite shocked with some of the standards of multiple occupation homes I saw in town in which people were living. It reminded me of my days of my upbringing in inner London in the 1960s when I was a student public health inspector in the King's Cross area of London when London was full of slums and they were recovering in post-war conditions. They had a policy about what they called housing improvement areas with programmes of government intervention, providing grants to landowners, the property owners, to get them improved and compulsory purchase orders forcing that to be done by compulsion and so on. I remember visiting underground homes, areas they were called in London which were below ground rooms. It reminded me, it came back to me, of some of the conditions of damp, wet, horrible conditions. I had forgotten about those and it brought them back to me. With that background, I have always been strongly supportive of improvements to our housing conditions for those least able to economically ensure that their own housing conditions were as best as they could be. Therefore, I am aware in Jersey there are number of measures that we introduced. We set lodging house standards for registered accommodation and also we introduced new building bylaws to

ensure that a lot of the temporary accommodation on farms, temporary buildings, Portacabins and so on, where there were some very dreadful conditions, were required to be replaced with bylaw-compliant residential accommodation, common standards. I have to confess life has moved on for me. I am now in a very nice part of the Island. I am not aware myself closely of how well those measures have worked, but I am not naïve and when we had the information coming from the Minister for Health that some of these problems were still prevalent, I think we do need to know whether those measures have been successful. So I think Deputy Tadier has performed a useful purpose in setting this agenda and I am very pleased that the Minister for Housing has embraced it and so has the Minister for Health. We need to know those answers but, of course, I do hope that if it does move into a regulatory system that it does not include such things as how much water people use and whether they turn the light bulbs on and so on but direct it to the housing standards. Moving to the issue of registration, I was reminded why have registration, and I totally agree. When I first saw it I thought: "What is the point?" I think the amendment that has been adopted is clear. We need to understand why we are doing it and that is the point of the investigation that is the substantive proposition. What clues do we have for why we need to do it? In the U.K., of course, they have had registration of social landlords. Why? Because those landlords were receiving government subsidies to help meet housing for those unable to pay open market values. There is a close parallel with what the Minister for Social Security just told us, that we do not have registered social landlords but we have a subsidy system. It is just dished out through another system, which is the social security system of supporting rents up to 90 per cent of open market value. I do think we need some controls on that, absolutely so. I think that is something that the investigation should look at. I also think we will need a registration for deposits because if there is to be the intervention in controlling deposits, in order to make that happen at least as a minimum a list or some sort of registration will be required. Listening to Deputy Baudains, an idea came to me. We do have to recognise that some landlords suffer damage to their property by tenants. There is no question; that is fact. There is nothing that landlords can do, effectively. Deposits in those cases may well be inadequate to meet that damage. There is no point in putting somebody through Petty Debts to try and recover it, although they have got the power to do it. It is a one-sided arrangement. I wondered, if we are to have a register why not have a register of tenants? If there are bad records about what goes on on properties then landlords would know that this tenant has a record of damage to properties. I just put that there. If we are going to have an investigation, I think we should be able to look out of the box as well. Moving now to rent control, I am absolutely with what the Minister for Housing has said. There is one way of controlling rents and it is supply, supply, supply. There is no question in Jersey, through our planning processes collectively, it has resulted in a situation where we wait until a backlog of demand occurs before we do anything about supply. Just look back at the figures decade after decade after decade. We do not plan for anticipated demand. We wait until demand is hitting us in the face and it is backlogged, and that is where we are now. It can be hardly surprising with house prices where they are, the economy as it is, that the pressure is on rent levels, particularly we have now enhanced, correctly, the social security benefit to support those rentals. All that is only going to drive one way and so increasing supply in my view is the proper way to do it. Of course we have the inbuilt population increase, which is absolutely another driver for it. So all those factors point one way. What do we know about price control? I remember when I first came to Jersey I thought it was very amusing and very charming that the Housing Committee used to drive round in a van, having a look at properties when they were sold. We had 2 vans going round. We had the Planning Committee, which I think for a period I sat on and enjoyed many days out in the countryside - I cannot remember whether it was Tuesdays or Wednesdays - and I have to say so did the members. It was jolly enjoyable, although as chief officer I often used to get the grumbles afterwards. Sorry, I digress. But the Housing van went round to look at people's properties and say: "How much is this property worth? Should we allow you to sell it?" I think as a result of that all sorts of

distortions happened. People selling houses stripped out all sorts of fittings and so on. There were houses being built with no heating and no kitchens in order to be able to drive houses down to a price, so the first thing people had to do was to make them habitable. Thankfully those days have gone, but I think there might be an issue, and this is related to rent control, that we do have to look at what is going to come from the property tax proposal that the Minister for Treasury has promised us. I cannot remember if it is 4 per cent or 7 per cent of homes in the Island are empty and it is constantly said what disincentives are there to landlords leaving properties empty. Yes, people pay double rates. In effect, the owners pay both the foncier rate and they pay the occupier's rate, so they do pay double, but those rates are pretty modest. I do think there is a case for looking again at whether there is any financial disadvantages on properties being left vacant, recognising the fact that there is a cost to society if we do not do it. I am supportive of this proposition. Had it not been amended, I would not have supported price control, for all the reasons that I have said. I do not think it is the right way, but I think as it is now amended the proposition, if I understand it correctly, says that the Minister for Housing will be investigating these areas. With that, I am going to support it.

#### **1.1.7 Senator P.F. Routier:**

Yesterday and today we have heard some Members' experiences of visiting properties. I too was on the Housing Committee many years ago and visited properties, but unfortunately the experiences that have been relayed to us over yesterday and today is that some Members have been trying to outdo each other and say they have seen a worse property than the previous one, which I think unfortunately gives a wrong impression of what is out there in our Island. I would have hoped they could have been a bit more measured in what they were saying. There is no doubt in my mind that there is a need to have a minimum standard but by far the majority of tenants and landlords are responsible. I think some of the speeches that we have heard in the last 2 days may hit the headlines as being that is the way all the tenants are living in that sort of accommodation but that is not what is the situation. I would hope that Members would be more measured in what they were saying. We cannot get away from the fact that there is a need to improve accommodation and we will always need to ensure that those who are letting or leasing poor accommodation are supported to improve their conditions. I will leave it at that, but I just hope that Members will be measured in what they say, because there are some very good tenants and there are some very good landlords. I will be supporting this amended proposition.

#### **1.1.8 Deputy S.Y. Mézec of St. Helier:**

I will not speak for terribly long on this. It was a commitment in my manifesto that I would support anything to improve housing standards so I am very glad to be able to support this initiative for what I think is a basic social democratic principle. Jersey is behind other jurisdictions in terms of things like this, along with a deposit protection scheme, so I am glad that with this and with the upcoming deposit protection scheme that we are taking some important steps forward. I think the Constable of St. Peter in his speech yesterday made some excellent points that are well worth repeating, in particular that good landlords do not have anything to worry about with this. It is simply the bad ones that we need to worry about. I do not think there is anything wrong with targeting bad landlords and this is what that will do. I have had some really good meetings and conversations with the Minister for Housing and some of the officers in his department to talk about my experience of things like the deposit protection scheme and housing standards when I was a tenant in the U.K. In the 4 years I lived in the U.K. I lived somewhere different every year. The first 2 of those years were in private student halls and the last 2 years were with 2 different private landlords. I know very well that there are definitely good landlords and definitely bad landlords, but in either of those circumstances what is important is having statutory rights and standards that

you know apply regardless of what sort of landlord you have so you have some apparatus you can appeal to if you are in a property that is substandard.

[10:30]

In the first property that I rented in the U.K. we arrived and we had plug sockets with wires sticking out in the walls and things like that, and when we pressed our landlord to give us copies of the gas safety certificate and the electricity safety certificate, they obviously would not give us those because they just did not have them. So we spoke to somebody at the council who came round and inspected our flat and saw that it was quite clearly not in line with the standards that properties had to reach. He did what was a very convenient random check at the letting agent of their properties and it just so happened that it was our property that they were allowed to do a check of and the landlord was eventually kicked into line. We took them to court over the deposit, which they had not protected, and we ended up in a flat that had to be done up. It had to have certain things painted, it had to have the plugs sorted and what have you. The second landlord I had was a very good landlord who knew exactly what was what and was always very helpful. We had one occasion where a pipe in the sink burst at 2.00 a.m. and we had to call an emergency plumber to come in and fix it. That cost us £200 and the landlord was absolutely fine to give us the money back for that and was always on call in case something happened in future because he knew that it was his responsibility, not just morally but under law as well, that he had to make sure that our property was habitable. So that was something that was really helpful to have. With the first landlord that we ended up taking to court, it was quite lucky for me and my friends who I lived with that they happened to be living with somebody who was studying law, which was myself, and another one of my friend's dad was a barrister. They were lucky that they had 2 people who were able to do the research into what the law was, what the standards were, what the appeal processes were so that we could get something done. I worry about other people who do not know about that, who do not know what the apparatus is that they have to go to and do not know what their rights are. With housing standards and the deposit protection scheme I think one of the most important things that we need to bear in mind is that the communication of these standards to tenants is very important. I think it would be worth having some sort of document that goes into detail about what these standards are, what tenants legally do not have to put up with, that is given to every person upon taking up a tenancy, an official document from the Housing Department or from wherever that has to be given by a letting agent or by a landlord when they take on someone, that has that information. Without that information being known by tenants, lots of them will just put up with things that they do not have to put up with, damp or running water that is not working properly and all that sort of thing. I am really glad to be supporting this. I hope the Minister for Housing will bear those comments in mind in terms of communication of those standards when they do come in, and I hope Members will support this.

### **1.1.9 Deputy S. Power of St. Brelade:**

Senator Le Gresley referred to some experiences that I had at Housing. I think to a large extent where Deputy Tadier is trying to get to with this report and proposition as amended is that there is a problem with the standards of accommodation in Jersey, and Jersey is no different to anywhere else. My own perception and my own experience is that the problems exist at the entry level more than any other sector of the housing rental market. When I refer to the entry level, I refer to the accommodation that is available or may be available to those who come to Jersey to work for the first time. That is where to a large extent the problem exists. It does not exist in newly completed flats in Gloucester Street or on the waterfront or in any of those other places that I would care to refer to. It largely refers to the entry level accommodation that is only available to those who arrive and who end up working for a short period of time or an interim period of time on minimum wage or those areas of minimum wage just above. In my experience with my colleagues on the Planning

Applications Panel and my previous experience at Housing, I have seen some accommodation that defies the loose word of the phrase “habitation for humans”. It was not suitable. As Senator Routier has said, that is very much the vast minority of accommodation that exists on this Island. Agricultural accommodation for a long time was exempted and there are some standards of agricultural accommodation which did not meet anything like remote decent home standards. There are current members of the Planning Panel who have seen agricultural accommodation right across most of the Parishes, I would say at this stage in my 5 or 6 years, that one would be ashamed to own and to house anyone in. Getting back to what has already been said this morning, the vast majority of landlords in Jersey are good landlords. The vast majority of tenants in Jersey are good tenants but, as the Minister for Housing said, there are a minority of tenants, in both the private sector and in the Housing Department, who are on the radar all the time. These are people who for whatever reason cause the enforcement teams at Housing to visit them time and time again, but they represent an absolute small minority of users of the States Housing Department property. The other situation with private landlords is that there are a minority of private landlords who are not good landlords. There are properties that I have seen at both Housing and Planning which really should not be open for rental accommodation. One of the problems I have at Housing and on the Planning Panel is that we need the inspectors at the Population Office and Housing to work with Planning and Environment and Health. I do not know how you would do it because I was told that retrospectively the Planning and Environment Department cannot go into a building on Midvale Road or Rouge Bouillon or Val Plaisant that has not been refitted in 40 years, if it has minimum standards of wiring, 1970 standards of ventilation design, tiny room sizes. In one case I remember, and I do not want to go into this, a shower curtain between a cooking area and a bath area. I remember another where when you went up into the roof space it was impossible to hang a picture or to hang clothes because of the apex of the roof, so it froze in the winter and was awful in the summer. So we still have that out there and I think if any one of us thinks that it does not exist, it does exist, but Jersey is no different to Dublin or Birmingham or parts of London, as Deputy Young said. We have good and bad. Fortunately, the vast majority is good but there is bad, bad landlords and bad accommodation. I referred to the Minister for Health, the Minister for Housing and the Minister for Planning getting together and trying to see what the mechanism is that we can design so that stuff that does not meet anything like Deputy Green’s standards nowadays and minimum decent home standard for the next 20 years ... how do we get into the attics and the flats and the room sizes to make them better? What we have to have is a mechanism to get in there so we can do that, and that might involve talking to the Minister for Treasury over there and saying: “This landlord has not spent a cent on this building in 35 years. He has passed it on to his son. There is still a mortgage on or it needs £150,000 to reduce it from 7 flats to 4 flats so that the minimum room sizes can now be decent size”, and do it that way. It might need some sort of tax break for these guys to be able to do that. At the moment we have the Housing Department working and doing a very good job, Health and Social Services looking at standards of health and hygiene, the Planning and Environment Department looking at new stuff but not looking retrospectively at the bad stuff that is out there. Then perhaps there is room for the Minister for Treasury to say there should be perhaps a tax break on how reinvestment can take place in stuff in the inner ring road of St. Helier. So there is an issue out there and it can be solved but it has to be with a light touch because if we suddenly come in with draconian measures on the rental market in inner St. Helier what we will effectively do is close it. That is why I am very nervous about rent control in this area because, as Senator Le Gresley said and it is now amended, it has to be timely and it has to be proportionate to the application and what is the problem. Somebody else said, I cannot remember who it was, that supply will solve the problem. Supply will solve some of the problem but it will not solve all of the problem because I have identified the stock that is out there at the moment that is not good. Some colleagues might say that new supply will replace the existing bad supply. I am not quite sure if that will work because you will always have this entry

level tenant, this entry level client who comes to Jersey not knowing his or her way around the Island and will go by contact, will go by information and will end up in a bad or minimum standard of accommodation. I do not pick out St. Helier. I have seen stuff in other Parishes as well. There is an issue and I think this minimum standard for the residential property is not ... and I say it to Deputy Tadier and I say it to you, Sir, the problem is not just the housing inspection process. The problem is planning, the problem is linking retrospective incentive to get this stuff fixed, and I think that is the important thing. When I hear about rent control, I caution Members that that is a simple solution to what is a very complex problem out there. I hope that Deputy Tadier takes that in in his summing up. One thing that really struck and irritated me, and still does, is the resale of electricity. When a supply of electricity goes into a building and then that is distributed to 5, 6 or 7 bedsits at a price higher than the price that it comes into the building at is an issue. I tried to do something about it 3 years ago and I failed and it is something that we need to do. When I say that there are issues out there, it is a multi-faceted thing, it is quite complex. This is a start and I say to Deputy Tadier: "So far so good but there are issues out there." I am certainly someone who as a States Member for coming up to 9 years now, having had Housing experience and Planning experience, the only way to deal with this is a multi-departmental approach to tackle the stuff that needs to be upgraded. It is simply wrong to say it will upgrade itself in time or they will never be able to rent it. It is simply not true. The entry level stuff needs to be tackled but it needs to be tackled with a soft touch, with some sort of incentive, and we will get there. I caution Members about rent control, but in all other respects I think this is logical, it is appropriate and it is putting Jersey in the right direction to deal with the stuff that needs to be dealt with.

**Deputy A.K.F. Green:**

Can I just ask the Deputy if he was aware that we brought in an order last year that controlled the sale of utilities? Utilities now have to be sold on at the same price as they were paid for.

**Deputy S. Power:**

I am. I am just unsure of the enforcement.

[10:45]

**1.1.10 Senator P.F.C. Ozouf:**

The public in the last 7 days have heard us talking about ourselves a great deal and they wonder why we are not tackling the issues of public importance. Perhaps because our deliberations at the Council of Ministers or the deliberations between the Minister for Housing, the Minister for Planning and Minister for Treasury are not aired on medium wave on radio, the public and the media get the impression that there is not a great deal of focus on issues of massive public importance, and indeed there is. I am not going to speak for very long. We have got other important business today and we clearly have very important business in relation to the next sitting of the incorporation of Andium which is realising a lot of the underlying fundamental issues and fixing those issues. We will be talking about housing again in 2 weeks' time. I do want to just say today that this is an incredibly relevant and important debate. It is relevant for 4 reasons. If I may comment, I was very pleased that when the F.P.P. (Fiscal Policy Panel) were here that we had the Minister for Housing on his feet and the Minister for Social Security on his feet speaking to eminent economists about housing. I have sent Members an email report, and this is relevant and I urge Members to read it. One of the new members of the F.P.P. is Kate Barker CBE, one of the leading and most highly respected economists who has dealt with housing. From her report that I have circulated to Members I will quote just a couple of lines. In her introduction she says: "Dear Chancellor and Deputy Prime Minister. Housing is a basic human need which is fundamental to our economic and social wellbeing, yet housing provision is often controversial and provokes strong reactions. My review of housing supply highlights the tensions that surface when seeking to

promote an adequate housing supply and a more responsive provision. A weak housing supply contributes to macroeconomic instability. The U.K. should have a more flexible housing market. For many people housing has become increasingly unaffordable over time. The aspiration for home ownership is as strong as ever but the reality for many is the aspiration will remain unfulfilled. Homes are more than a shelter. They provide a range of services to communities. They provide an asset in household planning. They indicate preferences. Increasing housing supplies raise concerns about environment loss and open space.” In its conclusion, and I do urge Members to read this report, the report also says that the Britain is an island, and Jersey is an island obviously, but all the Members that have spoken about the importance of supply and the linkage and the well-judged comments of the Minister for Housing are absolutely correct. I commend the Kate Barker review which if the U.K. Government would have implemented it in 2004, we would not be seeing the problems in the U.K. housing market today. It is supply and it is proper supply, and regulation is only required when the market fails. There has been market failure in Jersey for many years and there is market failure in the U.K., but we are fixing that and we are trying to fix that. The second relevance of this debate today is the fact that we are also seeing the house price index survey. That survey is indicating more affordability, with prices stable and indeed coming down. We are seeing rising prices in the U.K. We expect the Jersey economy to recover. When the economy recovers we must not have the problems of the U.K. and not have that supply. There is an early warning system. There is the early warning that economic growth in Jersey always lags the U.K. We are picking up that we must put the supply in and we must give people the confidence that they do not have to buy now because prices are going to go up. The only way of dealing with that is by this Assembly ... I would go further than Deputy Tadier. I do not like monopolies and he does not have the monopoly, as I know he does not think he has, on housing matters. Housing matters for virtually every single Member of this Assembly, and it is supply and it is going further. I want tougher targets in relation to housing supply. I would be grateful in summing up that when he says that we should have a minimum standard for rental properties I hope he means all rental properties, not only tenant properties but lodging houses and others, because that is unclear, but I do not know whether that was clear from his report. Very briefly 2 final issues. The other relevance today is the bond issue. We are now going out and getting the mortgage to provide the social rented unit an affordability and we are kick-starting that process today. That will be settled and I hope very much to be able to report to the Assembly in around 3 weeks’ time of the success of that bond issue. Securing long-term money at low interest rates for investment in our housing stock is a game changer and something that this Assembly has never done before. Yesterday and today is when we start that process, and I am grateful for Members’ support. The other relevance is that we have our ambassadors here and the reason why that is relevant is that investment in the economy is vital. We provide a conduit of investment into the U.K. from the Middle East and one of the investments that is being made by in this case the Qatar investment authority is purchasing the Olympic village, a range of affordable homes across all tenures, and it is all about supply. We need to send the message out that we are open to investment: “Yes, we would like that bond subscribed and, yes, we want long term and a cracking interest rate if we can get it, but we want investment”, and investment is required. You need a co-ordinated response. I commend Deputy Tadier for bringing this proposition. It is good to have this debate. It is shared by many Members, but I would go even further in relation to fixing the problem that this Assembly inherited. We have done a great deal and we should be proud that we will leave this administration with a housing market that is better understood, better invested and better planned. I will be supporting the proposition.

#### **1.1.11 Deputy A.E. Pryke of Trinity:**

I wanted to reassure Members that the officers from Housing, Environment and Planning and Environmental Health do work well together and will continue to work well together to ensure that

all property, whether it is social or private sector, will meet minimum standards. That is why the proposed law, which I know the Deputy on my right has a problem with, will in some ways reach that. I am coming here purely from the Health angle.

**The Bailiff:**

I am sorry, Deputy, we have become inquorate by 2. Greffier, could you bring back Members? Very well, Deputy.

**The Deputy of Trinity:**

I think I have lost my train but I will try and get it back again. That is why the proposed law and what Deputy Tadier is trying to achieve is so important. In my department, Environmental Health are regulators and enforcers and they do go into properties if they are requested to and they work with the tenant and the landlord, but their hands are tied to only providing wind and watertight and in this day and age that is not sufficient. We have heard from other Members who have seen firsthand some of the conditions of some rental property, and that is not right. I have seen it firsthand too when I worked as a nurse with hospice in the community. In some cases I was extremely appalled by the state that people were living in. The proposed new law, when it does come and it will meet the timelines as an amendment to come back at the end of this year, will include all rental, whether it is social or private, and it will include lodging houses and staff accommodation as well. Deputy Power mentioned about poor quality in the non-qualified sector. It is across the board. It is not particularly in one sector and the H.N.S. (Housing Needs Survey) in 2012 mentioned that 10 to 15 per cent of tenants in the qualified rental sector and social rental sector were not satisfied with their accommodation, so it is right across the board. As I said, my officers work with landlords and with tenants. If they find that tenants are at fault, they will work with tenants and enforce that the tenants need to improve the conditions that they are living in. It is working with but, as I said, their hands are tied and the law does need to come and hopefully we will meet the timeline set.

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

Could I start by concurring with the Minister for Treasury in saying that it is a breath of fresh air to be debating something that is important and relevant to the people of Jersey this morning. **[Approbation]** I think we have had a really good debate with some excellent contributions and there are 3 that I would like to mention in particular. There is a saying that you do not miss something until it has gone but when I listen to Senator Le Gresley, increasingly I am missing him already. Whether I am going to be here or I am going to be outside of the House I cannot but be impressed by the way he informs us on a level-headed basis. I would like to concur with his views on rent control because I think that we need to improve standards and some landlords can only do that by receiving greater rent. I would like to talk briefly about the Minister for Housing. How can you not share his enthusiasm for the subject? The fact that he is working together with the Treasury, with Health, with Social Security; I have huge confidence in him. I agree with him that supply is the key and the more we can supply the more we can control everything else. Finally, can I just say a few words about Deputy Young who also made a good contribution and I would like to echo some words of his, which is that there are 2 sides to every coin. It is not only landlords that sometimes are a little bit naughty but it is tenants as well, so there are 2 sides to everything. But I will be supporting this. I would like to thank Deputy Tadier as well for bringing this to the Assembly. There is lots of work, but if we can get together on this I am sure we will improve standards which will be to the benefit of all of us.

**1.1.13 The Connétable of Grouville:**

I would just very briefly like to take issue with Deputy Power and his criticism of the accommodation within the agricultural industry. There is a lot of Portacabin accommodation which

maybe does not look that good from the outside but the facilities inside are more than adequate. There is also a tremendous amount of permanent accommodation that has been built, mostly within the last 20 years, which is absolutely excellent. I think if there is some poor accommodation there cannot be very much out there because I do not know of it. The point I would like to make is that all these improvements have been done without legislation. They have been done by encouragement and the industry has responded, and I would say that the accommodation now is excellent.

**The Bailiff:**

Does any other Member wish to speak? I call upon Deputy Tadier to reply.

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

First of all if I can thank Members for what I think has been a constructive debate and all the contributions have been well made. It is nice, as the Minister for Treasury said, to be able to talk about something that is perhaps more directly germane to the population. That is not to say that the other issues are not important. Of course the structures by which we deliver government and deliver these vital public services and everything that is related to them is dependent on the soundness of our institutions, but nonetheless I echo that. I will try to be brief but concise and comprehensive at the same time. Accommodation is an industry. It is the second biggest industry in Jersey. Other industries are regulated, hopefully well regulated. I heard the Minister for Treasury on the radio this morning coming in talking about how our finance industry is well regulated. We have a tourism industry and hotels, restaurants are all regulated. You cannot just rock up, open a hotel or restaurant and expect to be able to serve people or put people up for the night. Agriculture is a small but important industry in terms of G.D.P. (gross domestic product) in Jersey but very important, obviously, for other reasons, and this regulated by what you can put on the land, *et cetera*. All of these industries are regulated. I do not think anyone in this Assembly favours complete deregulation and a complete *laissez-faire* attitude. In one sense what I am saying is if we all agree that accommodation is an industry as well as accommodation for the individuals being a necessity, then why should there not be basic rules and regulations setting out the parameters by which you can let or rent accommodation? The second thing is that this is not about bad landlords or bad tenants. It is about expectation and it is about raising the quality of rental properties in all sectors of the Island, including what we used to call unqualified. I do echo the Minister for Health's comments that this is an issue that affects all sectors of accommodation in the Island.

[11:00]

It is paradoxical, if you like, in one sense we do have regulation for lodging houses, for parts of the unqualified sector which is lodging houses. They are inspected, certificates are issued and you have to make sure before you can let them out that they are in good condition. Of course, they are very small, they do not have bathrooms, so there are lots of issues. For example, we have a Polish friend who has been in the Island for many years but she has to rent out a lodging house. It is immaculate, partly because she keeps it in that way, but again it is a small room, they live in shared accommodation. We have to ask ourselves, is it right that if we are applying minimum standards the Residential Tenancy (Jersey) Law does not cover that kind of accommodation? It does not cover rooms that are being rented out that may be self-contained. Why is it that we have a 2-tier society? Why is it that we accept that immigrants can live in a certain condition but "Jersey people" can expect slightly better accommodation? That needs to be addressed and hopefully that will be something that can come out of this piece of work as well. I see it more as a basic consumer protection. We have heard a lot about health and safety but accommodation is a product. You are renting something out on a fixed term, often for a year or 2 years, sometimes on a longer basis.

You have a right as a consumer to expect that what you are renting is in reasonable condition. If you went to Boots and you bought an electric razor and you got home and found out that one of the blades does not work or that the plug fitting is wrong, basically it is not fit for purpose, you would go back to Boots and you would say: "Can I have my money back, please? I would like a different product." That does not mean that Boots is a bad business per se. It just means that on occasion things happen and certain products are not necessarily fit for standard, and that is why we have statutory consumer provisions because there is a formalised relationship between both parties. That is a legal contract. Also what I am asking for is not just a legal contract but a social contract to be established between landlord and tenants. So, in my experience, there are very few bad landlords but there are many more bad properties, if we can call it that. That is not because the landlords, as I said, are particularly bad. It is because there are no standards currently which the landlord has to meet. You go in there as a tenant and you will find that during the course of the first 3 months there are various problems that need to be addressed. I am saying would it not be better to make sure that before a property is let out both parties know what they can expect and ideally that the property should be inspected to make sure that it is in fit condition so that the area is essentially proactive, not reactive. The current system we do have is reactive. The Residential Tenancy Law says that if there is a problem then you flag it up and then there is a reactive process that you need to go through, in which you have to prove that your property is not habitable or the landlord is put in a situation where his rent has been stopped and he has to take them to the petty debts court. It is not a user friendly system for anyone. There is an issue, of course, in viewing accommodation as we do in the Anglo Saxon model, as a commodity, and I would say to those who are sceptical about rent control - let us address those issues now - absolutely, I am not saying that rent control is the panacea. I am not even saying that it would absolutely work in Jersey, but what I am asking to do is to look at it. When the Minister says that everything he has read points away from rent control and says it has the reverse effect, I would also say to him just start reading other points of view in that case. Look at the German model, for example, whereby they have very high levels of private rental accommodation in their market. It is a different system, of course, but they have much tighter controls on their rental markets. It does not discourage private rental; in fact, the opposite seems to be true. They have a different expectation and a different social contract. I think with this piece of work we can reassess our value system in the Island and say: "Okay, there might be situations where people make money from accommodation but that does not mean that you should not also expect minimum standards." You would not expect it in a restaurant. This is where I am slightly confused when people say: "It has to be light touch" or: "I am not really sure that we can have a landlord register. Maybe we should only have a register for rogue landlords." What would happen if you only had a register for rogue restaurants? Anyone can set up a restaurant and it happens in developing countries; you walk down the high street, wherever it might be on the coast, and you have street vendors. They can sell you their chicken or their locusts, depending where you are, and you will buy them and you will have a dodgy tummy. You get the dodgy tummy and it is partly due to various factors. If we said we will only have a restaurant list for rogue restaurants and we will publish it on Jersey Tourism so you know these are the restaurants to avoid, but anyone can just set up a restaurant, we will wait until someone gets food poisoning. As soon as you have food poisoning we will say: "We will put you on a list now. We will not even close your restaurant down. We will just say that you are on the list of rogue restaurants." It makes much more sense ... and I think this hopefully addresses some of what Deputy Power raised, is the workability of it. What you have is you say: "If you want to be a landlord that is fine. You register your intent to be a landlord and you register the property. We will come round, inspect your property, make sure it is fit for purpose. There you go, there is your certificate, now you can rent the property out." Will that be onerous? Yes, there will definitely need to be a mechanism set up to do that and that is what I am asking for in part (a). It will need to be self-funded. I would not want it to be seen to be an onerous process that would be put on the taxpayer, but I think many landlords, the ones that I

have spoken to who have said that they have had tenants who have left the places in bad states, they are the ones asking for this system to be in place. Because I have said to them: “What do you want to be done about this?” “Could we have a system of inspection, a third party who could have the deposits so we can know that the deposit is safe and they can be an independent arbiter?” I think that is the best scenario for both tenants and landlords. I think it should be a comprehensive list. It should not be an opt in or opt out. That is my personal vision but clearly the work will need to be done there by the Minister. Again, on the issue of rent control, one commentator, let me just quote him quickly because I know Senator Ozouf has already sent something around which is linked to the *Guardian* newspaper. I have been reading a commentator. He is Darren Johnson, Green Party member for London Assembly, who has also been writing in the *Guardian*. He talks about the pros and cons of rent control. He says: “The key argument against rent controls, that they would reduce supply, only works if we think of the private rental market supply, if we think that is the key solution to our housing woes. In a well-functioning market where private landlords and developers are likely to meet the demand, that argument can be convincing.” He talks about London. He says: “London’s housing market is dysfunctional. The mayor recently admitted he expects housing costs to keep rising for a decade.” A lot of those arguments I think can be applied to Jersey. We are not in a scenario, if we are honest with each other, that rents and quality of supply are going to be met by the private sector alone. That is simply not going to happen. I was down Goose Green the other day looking at that lovely field there. I took a moment out after doing some shopping at the Co-op, sat on a bench and looked at the lovely green field there with the corresponding cycle path that goes round it. Beautiful area, that is. We can build on that, of course. If that is the way we want to go, if the only solution is to build new and better housing, that will be gone. That is crying out to be built on and it is a shame, and that is a corollary, of course, of our population policy. What I am asking for is to look at the current housing stock that we have. People in Jersey all live somewhere already, apart from homeless people and there are lots of those, we know. We have some of those who sleep on couches. Everybody in the Island has to live somewhere, and I am talking about getting those properties up to scratch. We have been told that one of the downsides of rent control is that it could lead to a decrease in supply. Well, we must want some decrease in supply. We want a decrease in bad accommodation. We want the unviable businesses, if you like ... because accommodation rental for speculation is a business. If they are not viable, if they are not meeting basic standards and they cannot afford to do it if they had to meet basic standards, they are basically not viable businesses. They are not viable landlords and they should give way in the market to those who are viable landlords and who can meet the supply. Deputy Power quite rightly said that if you go to Gloucester Street, the new builds, they are not the issues. It is all the small, little properties around the Island where people are perhaps speculating. They do not have the nous. They are not professional landlords and they are just using it to supplement their incomes. They are perhaps the ones who in other circumstances would not be viable landlords. But as Deputy Young said, there also needs to be a corresponding mechanism whereby any unintended consequences can be met. So if landlords are leaving their properties vacant because they do not want to meet minimum standards, then we as a Government have to say to them: “It is not satisfactory and not acceptable in a situation where we have a shortage of rental accommodation for you to be leaving that property empty. Therefore, we will impose sanctions on you.” We will say that if you leave the property empty we will have rates which will go up exponentially as the years go by and we may even compulsorily purchase your properties. The Housing Department, Andium, needs new properties so we will take them off you if need be. That might even be going one step further than Senator Ozouf, who wants to go one step further than I want to go. Of course, this is not a radical solution. The radical solution would be to say: “You are only allowed one property. You are not allowed to have second properties. Only the Government can rent out property” and that would resolve many of the issues. It might have human rights implications and that is probably going 5 steps further than Senator Ozouf but, of course, that is not what is being

proposed here. It is simply about regulating an industry in exactly the same way that we would regulate other industries. On that note, **[Laughter]** ...

**The Bailiff:**

It might not be the very best note to get you a positive vote. **[Laughter]**

**Deputy M. Tadier:**

I think Members are committed to vote for this.

**Deputy G.C.L. Baudains:**

Would the Deputy give way for just a moment? Would the proposer clarify who would set these minimum standards? Because my concern would be that they could become so onerous that landlords would withdraw from the market. I am just thinking that we end up in a large box-ticking exercise of what colour the taps should be and all this sort of nonsense that can happen.

**Deputy M. Tadier:**

To address that, we are not reinventing the wheel. There are established minimum standards. First of all, we know that there are decent U.K. home standards that the Minister adheres to even though he is not obliged to. He does that voluntarily. Let us have a look at some of those minimum standards. We have the Northern Irish system. They have already established a landlord registration scheme. They talk about minimum standards, general standards of fitness of rented accommodation, so things that we already have, basins, sinks, toilets, baths, every unit of accommodation must have these. That is already in the Residential Tenancy Law. I want that to be extended to non-qualified accommodation as well. That is something hopefully the Minister will look at. Heating, for example, every property that you rent out should have a basic heating system. That could be one of the issues. It could be argued that as long as there are freestanding radiators that is fine, but if there is heating in there it should be efficient. It is not in anyone's interest as a landlord or a tenant to have inefficient heating, which I addressed earlier in the speech. So that would be one of the basic standards. The other thing is even if we have very basic standards but we have a grading system, it may not be necessary to have rent control. What I would like to see is that every property is assessed on a whole gamut of tick-boxes, if you like. There will be a box-ticking element to it. You will go through, say, are the walls free from cracks? Is it wind and watertight, the basics? Does it have a level of insulation? Yes. What is it? It is "A" to "E" on whatever the scale is. At the end of it, you will be produced with a certificate and allow, if you like, even in the absence of rent control when the landlord advertises in the *J.E.P. (Jersey Evening Post)* he will say: "I have this property for sale, 2 bedroom, 1 bathroom, car parking space. It meets the "A" standard of the housing standards set by the Minister for Housing for Jersey or the Minister for Health and Social Services." That is very much what I envisage. It does not have to be an overbearing system, but it could facilitate. If there are properties out there which only reach a "D" on the scale of "A" to "E", hopefully the market will take that into account. If you can only afford £800 a month rather than £1,500 a month, you might go in for the "D" property but you will be aware of that. It will meet the minimum standards anyway. All of those properties will have to meet the basic minimum standards. That is what I am looking for and hopefully that will go some way to alleviating and answering the question that the Deputy has put. That is probably a good place to finish, I suspect, and I will ask for the appel.

**The Bailiff:**

Very well, the appel is called for then ...

**The Connétable of Trinity:**

Could we have 2 appels, one before the Deputy summed up and one for after? **[Laughter]**

**The Bailiff:**

Very well, Deputy, you wish to take them as one?

**Deputy M. Tadier:**

Yes, please.

[11:15]

**The Bailiff:**

The matter before the Assembly is the proposition of Deputy Tadier. I invite Members to return to their seats and the Greffier will open the voting.

<b>POUR: 32</b>		<b>CONTRE: 6</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier		Connétable of Trinity		
Senator P.F.C. Ozouf		Connétable of St. John		
Senator A. Breckon		Connétable of St. Ouen		
Senator B.I. Le Marquand		Connétable of Grouville		
Senator F.du H. Le Gresley		Deputy of St. Ouen		
Senator I.J. Gorst		Deputy of St. John		
Senator L.J. Farnham				
Connétable of St. Peter				
Connétable of St. Brelade				
Deputy R.C. Duhamel (S)				
Deputy R.G. Le Hérisier (S)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				
Deputy G.C.L. Baudains (C)				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Mary				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy R.J. Rondel (H)				
Deputy N.B. Le Cornu (H)				
Deputy S.Y. Mézec (H)				

**Deputy M. Tadier:**

Just in the public interest, did all of those declare an interest as landlords?

**The Bailiff:**

They made their declarations at the time they did.

**Deputy A.K.F. Green:**

Sorry, Sir, can I just offer my apologies to the Assembly. It seems to be a regular occurrence, unfortunately - it must be my age - but I have a funeral to attend.

**The Bailiff:**

Very well. I can inform Members of 2 reports that have been presented, R.69/2014, Land Transactions under Standing Order 168(3), 3 properties, Le Braye Café, Le Catel Fort, and Oxford Road, and R.70/2014, Tax rules applying to pensions and pension schemes: summary of responses to consultation, presented by the Minister for Treasury and Resources.

**2. Snow Hill Car Park: parking for States Members, Jurats and Law Officers (P.43/2014)**

**The Bailiff:**

So we move next to Projet 43/2014, Snow Hill Car Park: parking for States Members, Jurats and Law Officers, lodged by Deputy Noel. 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 to request the Minister for Transport and Technical Services to take the necessary steps to cease the provision of free car parking for States Members, Jurats and Law Officers at Snow Hill Car Park with immediate effect so that, upon completion of the Transport and Technical Services North of St. Helier Flood Alleviation Scheme in the car park, the 11 spaces currently reserved for States Members, Jurats and Law Officers can be amalgamated with the 84 public spaces currently provided at Snow Hill subject to the continued provision of adequate parking for Jurats at an alternative location as required.

**2.1 Deputy E.J. Noel of St. Lawrence:**

Members will be relieved to know that I am not going to speak very long on this simple and straightforward proposition, albeit a contentious one for some of our Members. Indeed, I would have preferred not to have brought this proposition at all. **[Approbation]** However, having liaised with the Minister for Transport and Technical Services his preference was to have the agreement of States Members before releasing these 11 spaces to the public. I am merely, therefore, suggesting that Members should put shoppers and the retail sector's needs before our own. I first mentioned this to the Minister for Transport and Technical Services back in December 2012 when the States Members' parking at Snow Hill was temporarily removed to allow for additional shopper parking in the run-up to the Christmas period and after, having looked at these spaces during my work on the new police headquarters. Since then, I have discussed increasing shopper parking in this area of St. Helier by removing the States Members parking in Snow Hill with him on several occasions and, although supportive of this initiative, the Minister for Transport and Technical Services has been dealing with other issues, and rightly so. I understand that although the Minister has the power to do what I am proposing without the backing of a States decision, due to its contentious nature with some Members he wished to formalise the decision. That is what I am asking Members to do today. Why now? Well, it is quite simply down to timing. It is easier to make this change during a period when the spaces are not being used by Members because it is clearer in our minds that we do not need these particular spaces. We have been without the use of these 11 spaces since early July of last year and we will continue to be without these spaces until at least October of this year, a period of some 15 months. Since last July, there has been ample time to assess that these 11 spaces at Snow Hill are simply nice to have. Though not needed by States Members, admittedly there is a need for States Members to have a parking provision but not necessarily at Snow Hill. On States sitting days we are, in effect, commuters, like the vast majority of workers in St. Helier

and, as such, a commuter car parking facility should be sufficient for our needs. We should be supporting our retail sector with appropriate infrastructure where we can. We can provide 11 spaces at Snow Hill of much needed shopper parking at no extra cost to the taxpayer or, indeed, the ratepayers of St. Helier. However, I do want to ensure that the Jurats have adequate and appropriate parking. They serve our community freely and their parking needs have to be accommodated. T.T.S. have confirmed to me that this will be possible if my proposal is approved by Members today. I thank the Minister for Transport and Technical Services and his officers for their assistance in bringing forward this report and proposition to the Assembly, although I do wish that we did not need to do so. For the avoidance of doubt, I am not asking Members to give up their free parking provision, just to use a different car park for the benefit of the public. I make my proposition.

**The Bailiff:**

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

**Senator L.J. Farnham:**

I do hope my good friend Deputy Noel will forgive me for what I am about to say given that the Minister for Treasury and Resources has already alluded to the fact that we have spent days and days **[Approbation]** talking about ourselves. Now, I have to wonder if it is necessary at all to bring this proposition given the fact that, as the Deputy has alluded to, this can be resolved by a simple decision by the Minister for Transport and Technical Services and then communicated to Members by a simple email or letter. Given that is the case, I cannot see that the proposal to move on to the next item could possibly be an infringement of a minority of Members' rights or an abuse of procedure as a decision could be made by the Minister. Judging by the mood of the Assembly and the important work we still have to do, I would like to see if you would accept that proposition.

**Deputy E.J. Noel:**

Or we could simply vote.

**The Bailiff:**

Not yet. The position is that, of course, it would have been possible for any Member prior to the beginning of this to propose that this debate be deferred, but nobody did that so it has started and the general rule is that there must be a reasonable opportunity to debate a proposition which the Assembly has agreed to debate. Now, that varies a little in the context and I certainly will not hold it to the perhaps full 10 speeches before allowing a proposition but it is too soon at this stage. It would be an abuse, in my opinion, or an infringement of the rights of minorities the States having decided to debate this. I see Deputy Baudains.

**2.1.1 Deputy G.C.L. Baudains:**

I am disappointed with the Deputy because to me it has the hallmarks of an electioneering gimmick. It does not affect him. The Deputy comes from St. Lawrence. He will park in Sand Street Car Park or perhaps, as Assistant Minister for Treasury and Resources, he might even use the Ministers' parking space at Cyril Le Marquand House which is available, which of course makes perfect sense. Why drive around adding to traffic congestion just to park on the opposite side of town? But, of course, it also makes perfect sense for those of us coming from the east of the Island, myself, my fellow Deputy, the Deputy of Grouville, the Constable of St. Clement and the Constable of Grouville, the Deputy of St. Martin, maybe others, to park on the east side of town. But no, the Deputy would have us add to the traffic congestion and go to Pier Road instead, a less convenient car park, too, which is why it always has spare capacity. It is not only inconvenient but it is not suitable for all of us either. I do not use Pier Road so I would have to use Sand Street. So instead

of going straight to Snow Hill, Deputy Noel would have me drive past the entrance, through the tunnel, via the Weighbridge, on to the underpass, roundabout and so forth just to presumably help his election campaign. Or is it Senator Ozouf's? Is the Deputy carrying out his Minister's instructions here? Because let us not forget the new police station at Green Street. As a consequence there will be less space available in the Green Street Car Park, even allowing for the extra spaces Planning required to be built in compensation, and even more will be lost when police officers park there to go to work. Maybe that is the reason for seeking more space at Snow Hill, I do not know. Let us not forget it was the Senator who was responsible for reducing the original 20 or so spaces to the present amount. Also, judging from the report attached to the proposition, it appears Deputy Noel is under the impression States Members no longer park at Snow Hill, in which case I have news for him: we do. But, of course, our allocated spaces are temporarily unavailable while the drainage work is under way, so we have to take our turn with everybody else, which is fine but because the nature of our work means we are coming and going at all times, sometimes that means we have to queue for quite a while waiting for a space to become available. In the case of a States Member, that could mean missing a vital vote in this Assembly. Is that what the public really want? Dedicated parking for States Members is important. Whether we pay for it or not in my mind is irrelevant. Being able to rely on having a space is the issue. On more than one occasion, I have had to give up trying to park, drive back home and return on a motorcycle in order to be present in this Assembly. That is not good enough. I have to say the thought had crossed my mind - the Deputy and I are often on opposite sides of the political spectrum - whether he is wishing to prevent the wise men from the east getting to this Assembly. That might assist him. Seriously, let us not forget Scrutiny and other meetings take place throughout the week at various times, for which Snow Hill is ideally situated given the huge amount of paperwork we sometimes have to carry. Before some bright spark suggests perhaps we carry on parking at Snow Hill but in the public spaces as we currently do, I would remind them Snow Hill has a 3-hour limit, which means as the proposition is worded we could no longer continue to do so. Of course, none of this affects the Deputy of St. Lawrence. Being a politician is onerous enough without Members trying to score points. I mentioned a moment ago the Deputy clearly was not aware States Members continue to park at Snow Hill, albeit struggling to do so and wondering just how much longer the drainage work was going to take. Well, as far as I am concerned, he has not bothered to consult us. Neither, as far as I can see, having spoken to a couple, had he bothered to consult the Jurats. One can only presume that the Law Officers fall into the same category, likewise ignored, which is unacceptable. Finally, I would address what I consider the misleading financial statement accompanying the proposition because the Deputy fantasises that an extra £13,000 would be raised. He presumably does not understand any cars paying to park in these spaces would be vehicles that used to park previously elsewhere. What were occasionally empty spaces in one car park would become occasional empty spaces in another car park. There would be no extra income at all, unless, of course, these spaces were filled by people who previously used to travel by bus, which surely goes against our transport policies. In conclusion, this should be a matter for P.P.C. (Privileges and Procedures Committee). Indeed, I am advised they approached the Deputy about it but he was not interested and wanted to press ahead on his own, or on reflection maybe the remit of the Remuneration Board should be widened to include parking, thereby taking it out of the political arena, as we did with salaries. I ask Members to see this for what it is.

### **2.1.2 Connétable P.J. Rondel of St. John:**

Yet another debate that is, I do not believe, going to get through. We are nasal gazing, or naval gazing, sorry. [Laughter] I was probably right the first time. This is not about Members' car parks because some months ago T.T.S.(Transport and Technical Services) were going to build another floor on that particular car park. For some reason that all has been pulled. It is all about the police station and making sure that we are going to be able to meet the amount of spaces that

are required in that end of the town for commuters. That is what it is all about. Honestly, I sincerely hope when the Assistant Minister sums up, and he is doing this, I think, as a Back-Bencher, so when the Back-Bencher sums up, that he is honest with us and tells us the truth. We have said all along that...

**The Bailiff:**

I am sorry, you cannot infer that another Member has not been telling the truth.

**The Connétable of St. John:**

I will withdraw that, but I have said it so I will withdraw it. At the end of the day, we did the review. Scrutiny had a look at this area and we did come up with answers but we knew, we told the Assembly that putting a police station at that side of the tunnel was going to create all sorts of problems, including parking. This is one way to try and get a few more extra spaces there for the public because the site is too small.

**The Bailiff:**

Connétable, I think we are down to 25 by my calculations.

**The Connétable of St. John:**

Pardon, Sir?

**The Bailiff:**

Usher, could you summon Members, please?

**The Connétable of St. John:**

I will just wait, Sir.

[11:30]

**The Bailiff:**

Very well, we are now quorate. Please continue, Connétable.

**The Connétable of St. John:**

Yes, I am pleased that it is one of my Constable colleagues that is keeping us quorate. Thank you, Connétable. Yes, where I was, this whole debate stems and I am sure it is being directed from another source, all to do with the building of the police station in the wrong place. That is going to require so much parking within the area that we have already agreed to put another half floor on the Green Street car park. I think T.T.S. are going to have to look seriously at probably putting another floor on top of the Snow Hill Car Park, as was their suggestion some months ago, but really maybe the new House might, in fact, if building has not started by the time we have the elections, review that site as having been the correct place or not for a police station because at the end of the day I think we are going to have a build-up in that area of a shortage of car parks.

**The Bailiff:**

Back to Snow Hill, if you would, please, Connétable.

**The Connétable of St. John:**

Yes, all right, Sir. I am just warning the Assembly that this is the wrong thing to be doing at this time.

**2.1.3 Deputy G.P. Southern:**

I will be brief and I will try and keep the contempt out of my voice but probably fail. This is a cheap, populist, electioneering gimmick, as Deputy Baudains just said. I am surprised that Deputy Noel should have brought such a proposition. I am torn between not speaking at all and just seeing it off or, first time ever, backing a move on to the next item on this particular issue. We should not be debating this. We should get on and kick it out.

#### **2.1.4 Deputy R.G. Le Hérisier:**

Just a short speech in order that we can accelerate to 10 speeches and then move on to the next item. I think this is utterly ridiculous. We are making total fools of ourselves. While I appreciate Deputy Baudains' concerns, we are not here to arrange the most convenient route from the east. We got rid of the left-turn arrow at Snow Hill in order to speed him up to his lunch break **[Laughter]** and I think this is a step too far and we are looking totally stupid. If we cannot walk across town to get to the next level of parking space, then I do not know what we can do. I hope we get to the 10 soon and move on.

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

Of course we should give priority to shoppers. Of course we should do a review of car parking, but it should be done as an overall view, as P.P.C. comments make, including Ministers and so on. I am going to add my name to the list waiting for the 10 Members because we should never be discussing this. Okay, the Deputy is perfectly entitled to bring this as a Back-Bencher but I really have a struggle when it comes from the stable of the ministry that challenges us about micromanaging when we do not have debates about major issues, the siting of the hospital, the use of housing sites, and Green Street which is a planning disaster. We do not have discussions about that, but we have a proposition about 11 spaces. I am speechless. Please get on to the vote.

#### **2.1.6 Senator P.F. Routier:**

It is difficult to follow that. If there was certainly concern about the Deputy bringing this proposition, in fact I wish I had brought it. **[Members: Oh!]** I walk through that car park every day coming to town and into work. I come through it every day, twice a day at least. There are times when Members had access to those spaces where they just were not being used. There were queues of the public waiting to get in and the spaces are empty. It happens all the time. On States days they are used fully, but the rest of the week there are about 3 or 4 cars there, and then you have 8 spaces empty. It is an absolute disgrace and a waste of resource. I congratulate the Deputy for bringing this forward and I hope we get on and vote in favour of it straight away.

#### **The Bailiff:**

Well, we can get there if nobody else speaks. Senator Le Gresley.

#### **2.1.7 Senator F. du H. Le Gresley:**

Yes, I want to speak but my colleague is flashing his lights so I do not know..**[Aside]** Yesterday I was unfair and hard on the proposer of this proposition. Today I am going to be the complete opposite. I think he should have brought this proposition. I support him 100 per cent. I think the arrogance of some States Members who are currently using the car park ... I do not mind if they are using scratch cards but if they are using their current pass when we have been told we are not to, that is sheer arrogance and they should be ashamed of themselves. I think that States Members are held in the lowest esteem ever, apparently, and what does it look like if you are waiting in the queue when a States Member in their car goes past to their allocated space at the north end of the car park? I think it is disgraceful that we are using a shoppers' car park. There is plenty of room at Pier Road and we are fooling ourselves if we think we should carry on parking there.

#### **2.1.8 Deputy J.A.N. Le Fondré:**

What number are we on, Sir? I have to say I join the comments that I think it is a bit of a gimmick proposition. I think it is electioneering and I would just like to move the focus slightly away from States Members - but, of course, yet again we are going to be talking about ourselves - to focus on the Jurats and the Law Officers. You see, I have no objection at all for somebody to do some coherent review and for T.T.S. to go away and do it. T.T.S. support shopper car parking, that will be where the Minister comes from, so there is inherent logic for doing it. But for goodness sake, let us try to find out who gets what, where and how. For example, if such review were to determine that Snow Hill was still the logical place for Jurats to stay, this proposition does not allow it. No, it does not. It says: "Subject to continued provision of adequate parking for Jurats at an alternative location." In other words, if the Jurats and the Law Officers were meant to stay at Snow Hill but States Members go elsewhere, you cannot do it under this proposition. The department will be bound. On that basis, the proposition is too restrictive. Another thing as well which Deputy Noel might be in agreement with me, I have absolutely no objection at some point to some form of payment being required for anybody who gets free parking within, say, the Ring Road. I think it is right that States Members do get reserved parking, but one of the issues we do have overall is the amount of free parking throughout the Ring Road that comes in, which is people having their own spaces. Now, for example, though, the States as a whole provide an awful lot of that to civil servants as a whole. In other words, you are trying to get a coherent picture. I think in my view it is a kneejerk proposition. I do support the comments as well. I am afraid it is unfortunate that the proposer is the one bringing it because it automatically associates with the complete foul-up of parking that is going to happen at Green Street as a result of the police station. I have to say if the result of all this was to shift some of the parking from Snow Hill to Green Street that will be fine but unfortunately it then just obviously highlights the issues we have at that car park. So, on that basis, hopefully that brings me up to either 8 or 9 and I will not be supporting the proposition.

#### **2.1.9 Senator P.F.C. Ozouf:**

What a load of nonsense that we have just heard about this issue. I am sorry, but I am going to spring to the defence, as Senator Routier, Senator Le Gresley and others have said. Do Members really think that it is appropriate that in a ... and I declare an interest. I had a parking space at Snow Hill and I have a parking space at Cyril Le Marquand House and I use both. But I no longer use my parking space at Snow Hill and before I was a Minister I moved my parking space to Pier Road because I was increasingly absolutely embarrassed by having to drive past queues of shoppers waiting to get into Snow Hill Car Park, then to drive my car past, to park in our privileged location, which all of the shopper parking in Snow Hill would have seen Members parking and, as other Members have said, see on non-States Members day clearly Members not working in town and seeing that empty spaces were available. What an utter embarrassment for Members. We talk about the esteem of Members. Yes, we need to improve facilities. Yes, we need proper facilities to do things, but do we really think that having Snow Hill car parking spaces is the right facilities in the right place? I have some form in car parking because I was the person that had to deal with the previous shambles of dealing with car parking that used to be on the bus terminus. We found a solution in relation to this, but this is a step that needs to be taken. Of course, Members need parking spaces but do they really think that it is at Snow Hill? I feel for the Minister for Transport and Technical Services because Deputy Noel is trying to assist him in an ever so polite and constructive way. This decision needs to be taken but the Minister needed the Assembly to support it before, of course, as is usual with Ministers, they cannot win and they are criticised for doing anything. This proposition is about putting those car parking spaces which shoppers need back to the use of the public. We have not had them in the way that they had. They have been done and we should end our embarrassment. Do we need to find a solution for car parking? Yes, we do, but not at Snow Hill and I urge Members to stop their populist accusations of gimmickry and deal with

the real issue of raising the standards of the public. If we really think that we can do that by preserving car parking spaces at Snow Hill, then frankly I despair.

**The Bailiff:**

I would be willing to accept the proposal now if anyone wishes to make a proposal to move to the next item.

**Deputy E.J. Noel:**

Why do we not just go to the vote?

**The Bailiff:**

Well, there are other Members who wish to speak, but I refused the proposition earlier. I am simply informing Members if anyone wishes to propose it now I will accept it.

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

Can I propose we move on?

**The Bailiff:**

Very well, is it seconded? **[Seconded]** There is a proposal now under Standing Order No. 85 to move to the next item of business. If you wish to do that and curtail matters, you would vote pour. If you wish to continue the debate, you vote contre. I invite Members to return to their seats and the Greffier will open the voting.

<b>POUR: 18</b>		<b>CONTRE: 17</b>		<b>ABSTAIN: 0</b>
Senator A. Breckon		Senator P.F. Routier		
Senator L.J. Farnham		Senator P.F.C. Ozouf		
Connétable of St. John		Senator B.I. Le Marquand		
Connétable of St. Ouen		Senator F.du H. Le Gresley		
Deputy R.G. Le Hérisssier (S)		Connétable of St. Peter		
Deputy G.P. Southern (H)		Connétable of St. Mary		
Deputy J.A.N. Le Fondré (L)		Connétable of St. Brelade		
Deputy S.S.P.A. Power (B)		Connétable of Grouville		
Deputy T.A. Vallois (S)		Deputy R.C. Duhamel (S)		
Deputy M.R. Higgins (H)		Deputy J.A. Martin (H)		
Deputy J.M. Maçon (S)		Deputy of St. Ouen		
Deputy G.C.L. Baudains (C)		Deputy K.C. Lewis (S)		
Deputy S.J. Pinel (C)		Deputy M. Tadier (B)		
Deputy of St. Martin		Deputy E.J. Noel (L)		
Deputy R.G. Bryans (H)		Deputy of St. John		
Deputy R.J. Rondel (H)		Deputy J.H. Young (B)		
Deputy N.B. Le Cornu (H)		Deputy of St. Mary		
Deputy S.Y. Mézec (H)				

**The Bailiff:**

The proposition is theoretically carried: 18 votes pour, 17 votes contre, but under Standing Orders it does not get carried unless there are 20 Members who vote in favour. Therefore, it fails. Deputy Higgins I see next. Did you want to speak or just to make your proposition?

**Deputy M.R. Higgins:**

Just to make the proposition, sorry.

**2.1.10 Senator B.I. Le Marquand:**

This proposition is about the most popular shoppers' car park in the Island, Snow Hill. That is a fact. It is the most popular car park for shoppers. They dislike Minden Place, although it is more central, because it is so narrow and the parking spaces are narrow. They like less Sand Street for similar reasons, although not so exaggerated. Is it reasonable that we should be preserving a special privileged status for ourselves when we may happen to be in St. Helier and may happen to wish to park there over and above members of the public, for whom this is the number one favourite car park? When we were looking at the proposition in relation to the new police station - and I do not think this has anything to do with the new police station for reasons I will explain - I moved around the area and had a look at the patterns of occupancy of the Green Street Car Park. The thing that was most obvious to me was this. People were queuing to enter the Snow Hill car park while there was still space available in Green Street. That was very obvious. In other words, they did not want to park in Green Street for shopping purposes. They wanted to park in Snow Hill. Here we have a situation where we are keeping from them most of the time quite a number of spaces which are not even being occupied by anybody. I have to ask: is that acceptable? Do the public think that that is acceptable? I think they think we are just trying to preserve our privileges and not caring about their needs. For that reason, I think it is disgraceful that we should be seeking to vote against this, if we do, because that is precisely, with respect, what we are doing. We must put the public first. That is why we were put in the States.

#### **2.1.11 Deputy M. Tadier:**

I have some sympathy for the comments that have been made. First of all, Senator Ozouf is absolutely correct. Whenever I have used Snow Hill you do have to drive past this long queue and it is not satisfactory. I think when I was a non-States Member I remember hooting at somebody for jumping the queue and looking back at it I was probably hooting at a States Member who had a perfect right to jump the queue. **[Aside]**

[11:45]

The issue I have is that this does not address the fundamental issue. The underlying issue, of course, for the public that we maybe at some point need to address is: should States Members have free parking? That is the underlying issue, is it not? Not so much where we should have it. That is a debate which does need to happen. Now, there are 2 sides to that argument. It is not the argument we are asking to be had today, but it does underpin it. I see this very much on the one hand as the terms and conditions. We are not allowed to debate our own pay in this Assembly without lifting States Standing Orders, but access to free parking is part of the package which we get as States Members, whether that is at Pier Road, Snow Hill or Sand Street. To remove those terms and conditions without proper negotiating processes is not something that we would impose on any other workforce.

#### **The Bailiff:**

Sorry, Deputy, but as you rightly said this is not a proposition to remove free parking altogether. It is simply a proposition to move it, so I think you have to confine your submissions to that proposition.

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

Yes, that is right, but this is still relevant. Removing the ability for States Members to park in the most easily accessible spaces to the States Assembly, and for Jurats for that matter, those are probably the best parking spaces for the purposes of accessing the States building that States Members have. I think that is just a truism. That does not mean that that should always remain the case. They are also very good spaces for shoppers, presumably for people who need to pop into town for other purposes not related to shopping as well. The issue I have is that this is slightly piecemeal and it is also fairly arbitrary. Were it not for the fact that Snow Hill had been closed for

12 months, and we were told it was only going to be closed for a very short period of time, then this probably would not be coming forward. I have just as much of an issue, if we are to be consistent, with States Members taking up the bottom floor of Sand Street, which should otherwise be reserved for disabled people. There are a few disabled spaces in there. That is where shop mobility is based and yet you have the 2 prime ends at both ends and we still have to drive past people queuing up to get into the main car park. We have to drive past disabled car drivers while we are parking and then presumably when those disabled spaces are free they have to go somewhere else and possibly even park in the main car park. So this does not solve all the issues. What we do need to ask is, first of all, do we require free parking. Do we require paid parking but perhaps with guaranteed spaces? Because we know that the argument can be made that our time is better spent dealing with issues rather than queuing for parking spaces. Do we need to perhaps consider a system whereby we can park in any space we want to around town with a permit, whether that is paid for or as it currently exists because our work is not simply limited to this part of town? I am very keen to look at all of those issues. I am sure the Chairman of P.P.C. is on the same wavelength and I think we would be very happy as a committee to give an indication to the Deputy that we will look at all of these issues holistically. We will look at those issues to do with free parking versus not free parking, and if we do have parking which is reserved - and the Deputy is not asking us to get rid of the current arrangements, just to limit where we can park - by all means let us identify what are the best spaces for States Members, Jurats, *et cetera*, to park in. I think we would be very happy to do that as P.P.C. and we could probably come back with that hopefully in a reasonable timescale. So if the Deputy would be willing to pass that piece of work over to P.P.C. to look at, he can be involved with it and we can come back with a proper report which has been looked at in correspondence with the Minister for Transport and Technical Services. It has been suggested that the Minister for Transport and Technical Services wants this, but he could have simply made a decision. I am sure the Minister for Transport and Technical Services could have said: "I have made a decision that it would be best to use these spaces for shoppers," send an email round to States Members and we would have probably gone with it. That is fine. It did not need to be debated on the floor of this Assembly. That is the issue. That does not mean that the Deputy is not right to bring it, absolutely. So if he is willing to make that concession I am sure my good colleague, the Chairman of P.P.C., would also be willing to make similar comments to those that I have just made.

#### **2.1.12 Deputy K.C. Lewis of St. Saviour:**

Within the States transport policy and the North of Town Masterplan parking review, my department has committed to expanding the number of shopper parking spaces and, as important, endeavouring to maintain these spaces in the most convenient locations. Town centre parking has been and continues to be a matter of significant debate for St. Helier. The Minister for Economic Development has been leading a town centre group made up of traders and a large element of the work in promoting the town centre has been focused on parking, particularly the proximity of shopper parking. T.T.S. are working with Economic Development to encourage more visitors to the town centre. The proposition provides additional shopper parking in one of the most convenient and popular locations for the retail element of St. Helier, particularly given concerns regarding vitality of the Columberie area, and this will show that States Members are willing to support the town centre and help the traders survive. Arrangements for the less able States Members can be made on an individual basis and are currently made for Jurats where necessary. I support this proposition and urge fellow Members to do likewise.

#### **The Bailiff:**

I still have 3 Members wishing to speak. Can I just remind Members that a number of Members have said that we have many important matters to discuss and that we should not spend too long

discussing this. I do invite Members to consider carefully whether they have anything new to add or whether we can move to a vote. The Deputy of St. Ouen.

### **2.1.13 The Deputy of St. Ouen:**

First of all, I would like to declare that I park at Pier Road, but I have 3 straight questions for Deputy Noel to answer in his summing up. I will allow him time to write these down because we want to make sure that they have direct answers. The first is: why just Snow Hill and not Sand Street? Why did he not bring his concerns to the Privileges and Procedures Committee rather than choose to bring the proposition directly to the House? Where does Deputy Noel park?

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

Sir, I am in your camp, really. I think we are giving much too much credence to this proposition. Having said that, you cannot not vote for it. We are doing the work. It is a warning, and what about Sand Street? I am annoyed with the Minister for Transport and Technical Services who supports this. All he had to do was send us an email. We have not parked there for over a year. I am a Snow Hill parker. I am parked there today. I have 3 hours. I do not park there with my disc, whoever said that. I have 3 hours and I will be running down to change it and move the car in the lunch hour. Normally, I park at Pier Road. Is it electioneering? Yes, it is. If you think you can vote against this and not have your name in the *J.E.P.* the day of the election, like it happened last time, who voted for, and then they came down the polls with it. It is totally electioneering, but it is a shoppers' car park. It is a warning and what annoys me more than anything is the Assistant Minister is bringing it who has additional parking. I have additional parking at the hospital. Who has additional parking? The Minister for Treasury and Resources, Senator Routier, who are absolutely astounded we are making heavy weather of this. All have additional parking at Cyril or Rouge Bouillon or wherever. Yes, this all needs to be investigated, but we are giving him credence. Let the public have these few spaces back, but P.P.C. and T.T.S. should be looking ... this should all come under our remuneration. As I started the other day on that subject, we are not equal. We are still not equal. Get rid of a few parking spaces, we still will not be equal. But I would not give the Deputy's proposition any more credence now I have spoken.

### **2.1.15 Deputy S.Y. Mézec:**

I have only been a Member of this Assembly for a very short period of time and this is just the most ridiculous proposition that has come forward in that time. I think it is absolutely amazing to hear Members supporting it who have their own parking spaces anyway, including Senator Routier who lives in St. Helier No. 1 District where we are right now anyway. If it is such a problem, walk for goodness sake. It is not difficult. I just want it on public record that I do not drive. I do not have a driving licence. I walk here every day. I occasionally get the bus but most of the time I walk, so it is not a conflict of interest whatsoever when I vote against this.

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

Much like the previous speaker, I am a non-driver so I do not have a conflict of interest in this area. We have offered to Deputy Noel via P.P.C. to ask him to withdraw this proposition so that P.P.C. could do a holistic review of all the parking that all Members have, where it is located. The Deputy was very much of the conviction that he wanted to put this to the vote and that is entirely his right to be able to do that, but again, looking at the wording of the proposition, P.P.C. was very concerned about the lack of consultation that had happened with all Members. We had asked Deputy Noel to produce that. We invited him to produce that for Members to be able to consider that, not only with States Members but also with the Jurats and also with the Law Officers. I do not believe that has been produced and I do not think it is fair or right for this Assembly to be making a decision to restrict someone else's...

**Deputy E.J. Noel:**

Would the speaker give way? The speaker knows full well that I did provide that information to him.

**Deputy J.M. Maçon:**

What was provided to me was the Deputy informed me that he had spoken to some States Members on this aspect, not the entire Assembly, and that is the point I am trying to make. Therefore, with regards to the Law Officers and the Jurats, again it is not fair, I do not believe, to arbitrarily remove this provision without having a discussion with them. I do not think that is the proper way forward. Personally, I do not have a problem with rearranging how many spaces are at Snow Hill. Perhaps we do not need 11 but maybe we do need 2. I know she is not here today, but Senator Ferguson, with all her Scrutiny work, made a very big point on P.P.C. to say on non-States days it is very important for Scrutiny members to be able to have that provision. But maybe that does need to be calculated in a different way. Perhaps you should get some sort of pass that you can use in the whole car park when you are there doing that work and freeing that up for the public when States Members are not there. I think that we need to look at this in the round rather than making this arbitrary decision. Therefore, that is why some, it would appear, members of P.P.C. do not support this proposition in its form but are more than willing to consider the whole thing in the round. We would ask Deputy Noel to withdraw this proposition so that we can get on and do that.

**2.1.17 Deputy S. Pinel of St. Clement:**

I have no wish to prolong this either but I would just ask a question of the Deputy. Were this proposition to be accepted, there is a distinct lack of disabled parking in St. Helier. Would there be a guarantee on his behalf and that of the already beleaguered Minister for Transport and Technical Services that with ready available slopes from the northern end of Snow Hill that at least half the parking spaces made available could be disabled parking spaces.

**The Bailiff:**

Does any other Member wish to speak? Senator Farnham, you have spoken already.

**2.1.18 Senator L.J. Farnham:**

No, I made a proposition to move on. I did not count that as a speech. Did you, Sir? Well, I just wanted to make it absolutely clear that my criticism was not of Deputy Noel but of the fact that it is a complete waste of this Assembly's time given the legislative programme we have to deal with that we are dealing with this now. To cap it all, the Minister for Transport and Technical Services stood up and read out a 10-minute speech and at the end said he was supporting it. Why not just implement it? Three? Oh, sorry, 3. It felt like 10 but it was obviously 3, sorry. **[Laughter]** I am sorry, I do apologise. That was rather... Just for the record, I would like to say I do not and have never availed of free States Members' parking. I have my own private arrangements for which I pay independently.

**The Bailiff:**

Does any other Member wish to speak? Then I call upon Deputy Noel to reply.

**2.1.19 Deputy E.J. Noel:**

With one eye on what we have left on the Order Paper, I am not going to address all of the individual points raised by Members, but I will answer the direct questions of the Deputy of St. Ouen. Why just Snow Hill? Well, simply I would agree with Deputy Tadier. I do not see why we use the ground floor of Sand Street, but we are still using that. They have not been temporarily unavailable to us. It is merely because we have not had the use of these spaces for 15 months,

which in my mind has proved that we do not need those spaces. They are very much a nice to have. With regards to P.P.C., I did not think about bringing this to P.P.C. because more in my mind was to get this done before the spaces became available again. Because as soon as we started parking there again, we would never agree to this. It would be even more contentious. To let the Deputy know where I park, I have the pass to park at Pier Road.

[12:00]

I do not have any other facilities. I do use Sand Street on non-States days, but I do not have any other facilities available. I agree with Deputy Pinel. What I am proposing could easily be used for disabled access for that part of town and I think that is an excellent suggestion. All I am merely asking Members is to grasp the opportunity to increase shopper parking spaces at Snow Hill by 11 spaces at no extra cost to the taxpayer and at no extra cost to the ratepayers of St. Helier. I am asking for Members merely to put the needs of shoppers and the retail sector, particularly in this part of St. Helier, before our own. I have received assurances from T.T.S. that the Jurats' needs will be adequately and appropriately accommodated. They currently have 9 spaces in Vine Street and I am assured that when there is a full court sitting 3 additional spaces for all the 12 Jurats can be provided. I repeat: I am not asking Members to give up their free parking spaces. That is not this debate. We have all got used to parking at Pier Road or Sand Street Car Park since July of last year and in doing so I do not believe that it has caused a material problem for Members. Some of us may even feel a little fitter for walking up to Pier Road at the end of each day. I do regret having to bring this to the Assembly and I do understand why the Minister for Transport and Technical Services would not want to do it without a backing of a States vote because it is so contentious among States Members. It should not be contentious. It should be common sense. I respectfully request that Members support this proposition.

**The Bailiff:**

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

<b>POUR: 23</b>		<b>CONTRE: 5</b>		<b>ABSTAIN: 5</b>
Senator A. Breckon		Deputy G.P. Southern (H)		Connétable of St. John
Senator B.I. Le Marquand		Deputy J.M. Maçon (S)		Connétable of St. Ouen
Senator F.du H. Le Gresley		Deputy G.C.L. Baudains (C)		Deputy M. Tadier (B)
Senator L.J. Farnham		Deputy N.B. Le Cornu (H)		Deputy T.A. Vallois (S)
Connétable of St. Peter		Deputy S.Y. Mézec (H)		Deputy R.J. Rondel (H)
Connétable of St. Mary				
Connétable of St. Brelade				
Connétable of Grouville				
Deputy R.C. Duhamel (S)				
Deputy R.G. Le Hérisssier (S)				
Deputy J.A. Martin (H)				
Deputy of St. Ouen				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy E.J. Noel (L)				
Deputy M.R. Higgins (H)				
Deputy of St. John				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Mary				
Deputy of St. Martin				

Deputy R.G. Bryans (H)				
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### 3. Energy Plan for Jersey: ‘Pathway 2050’ (P.38/2014)

#### The Bailiff:

Very well, then the next matter is Projet 38/2014, Energy Plan for Jersey: ‘Pathway 2050’, lodged by the Minister for Planning and Environment. It is a very long proposition. Do Members agree to take it as read? Yes, very well, then I ask the Minister to propose it.

#### 3.1 Deputy R.C. Duhamel of St. Saviour (The Minister for Planning and Environment):

Are we still quorate? **[Laughter]** I just wondered if Members, after the last debate, wish to recharge their batteries so that we do not run out of energy or the will to live to debate the important issues that this House has to address. I do have a number of speeches that had been prepared for me but in the light of the proceedings and that we have been here for a very long time, I am going to - perhaps to public acclaim - foreshorten it somewhat. But that should not be taken as an indication of the determination on my part to bring forward this strategic document in a way that is supported or can be supported by the majority Members of this House. A key action of the States Strategic Plan 2012-2015 is and remains to introduce an energy policy to move towards a low carbon economy with more renewable energy and energy efficiency. This, of course, stems from Jersey’s requirement under the U.K.’s ratification of the Kyoto Protocol to the United Nations Framework Convention on Climate Change and requires Jersey to introduce where possible, and having taken into account local circumstances, policies in line with the objectives of the U.K. climate change programme. Policy development and related analytical work has been ongoing since the 2008 Green Paper, *Fuel for Thought*. In the interim period, considerable work has been under way in respect of a number of energy-related work streams including energy efficiency, renewable energy and security of supply. The reason it has taken so long is that we have had to go through a number of iterative steps in order to seek the agreement of all the various parties that do have an interest in this wide-ranging set of issues. My proposition here today outlines a policy framework of demand management, energy security and resilience, and fuel poverty and affordability. The proposition is supported by the full Energy Plan, which details the actions that will be developed within these areas, and this report has been published separately. It is quite a long one. The report highlights how a low carbon future may bring new employment opportunities as well as potentially contributing to a more diverse economy. The 3 framework policies are supported by an initial set of actions and interventions to contribute to achieving a reduction in carbon emissions of 80 per cent lower than the 1990 levels by 2050. This target is in line with the commitment of other advanced jurisdictions that are also signatories to the Kyoto Protocol, including the U.K. The Energy Plan has been subject to months of consultation and scrutiny, which has ensured that stakeholders’ comments and concerns have been considered and addressed. Stakeholders and members of the public were invited to respond to the Energy Plan consultation, which ran for some 12 weeks from November 2012 to February 2013. The consultation process included presentations to a number of interested groups and also a briefing meeting for all States Members, a fully inclusive process. A total of 20 organisations responded to the consultation process and some 255 comments were received. Some 87 per cent of those comments that were received have been accepted or noted by the Minister and the proposed changes were made in the final version of the Energy Plan. A notable comment was made by the Jersey Construction Council. They stated that the Jersey Construction Council, having read the document, supports this policy and will be prepared to work with the Environment Department to help achieve their aims: “Our industry plays a pivotal part in the Island’s economy and we look forward to a healthy involvement in taking this initiative forward.” Support indeed; in fact, one might say constructive

criticism and comment ... from the Construction Council if people misheard. The Environment Scrutiny Panel also undertook a review of the Energy Plan between May and September and a total of 15 individual hearings with witnesses took place with evidence provided by energy providers, energy experts, representatives of industry, pressure groups and Ministers. The Scrutiny report identified a number of findings to which the Minister has responded favourably and also outlined suggested key priorities for action within the next 12 months, all of which has been warmly welcomed by myself. I am delighted that the Environment Scrutiny Panel wholeheartedly found themselves in a position to commend *Pathway 2050* and provided such a ringing endorsement for this key policy that has been some time in the making. I particularly welcome the panel's view that the expansion of the energy efficiency service into the able to pay sector is a top priority. It will help Islanders to minimise their energy use and this is one of the key areas in which the 3 goals of the plan - energy sustainability, security and affordability - can all be met. My proposition which is being brought forward incorporates the changes made as a result of the extensive consultation of the Environment Scrutiny Panel findings and pretty much supported everything. So what are the policies? Briefly, policy 1 is reducing demand for energy across all sectors, domestic, industrial and commercial, transport, aviation and agriculture. Increasing energy efficiency in the Island's homes is recognised as a priority. It is a priority of mine to ensure that people live in warmer homes, have more affordable bills and that the Island's carbon footprint is lessened and its reliance of the importation of fossil fuels is minimised. In terms of the domestic sector, the focus will be on the pre-1997 housing stock to bring them up to the higher building bylaw energy performance standards. The department and I will continue to provide grants to the socially vulnerable sector and the work of the Energy Efficiency Service, which has so far supported some 1,400 homes since 2009, will be extended. I recognise that there are nearly 20,000 properties built prior to 1997 that would benefit from energy efficiency improvements, so clearly there is a lot to be done. There will be a launch of the home energy tool in 2014, which is this year, and that will be a valuable step forward to provide homeowners with accurate, reliable information with which they will be able to make their own energy efficiency investment decisions. In terms of transport, I will continue to work closely with the Minister for Transport and Technical Services to encourage the use of more and more low-emission vehicles on-Island and to encourage businesses to work smart using video conferencing, as is being rolled out with our digital highway, and home working. Policy 2 is about energy security and resilience. It is essential that a safe and secure supply of energy is maintained. We must ensure that the Island's energy supplies are resilient to potential shocks and risks and blackouts. Work has started to understand how to mitigate these risks, which will help us to develop appropriate policy responses and contingency plans. This includes gaining an understanding of the potential of meeting a proportion of the Island's energy demand from offshore renewable energy generation. The development of utility-scale renewable energy generation under the right economic conditions could develop a new clean-tech market in Jersey providing employment opportunities and meaningful economic diversification. Policy 3 is about affordability of energy. Energy must be affordable to all people of Jersey to ensure that we do not go cold and we address the issues of fuel poverty and the associated social, economic and health impacts of unheated homes. Currently, as I mentioned earlier perhaps, there are some 2,000 households who could be assessed as living in conditions of fuel poverty in Jersey according to the U.K. definition. Our own energy efficiency scheme has been able to help over 1,800 Islanders with the installation of energy efficiency measures for those qualifying for assistance. However, I am aware that there is a whole tranche of the population who fall through the net and who do not meet the criteria but are nevertheless struggling to keep warm and healthy as a result of living in poorly insulated homes. The work to address that sector of the market will continue with vigour. The work with the Consumer Council and C.I.C.R.A. (Channel Islands Competition and Regulatory Authorities) and the Minister for Social Security will help to ensure that affordability of energy, which could mean energy efficiency and insulation and other measures, i.e. using less energy, or could mean

considering different tariff structures, is considered as a central aspect of the actions outlined within the plan. In proposing an energy partnership, the energy partnership will monitor, review and work towards a low carbon Jersey in line with the actions outlined within the main document *Pathway 2050*. This partnership will comprise 2 parts: a Ministerial energy executive and a multi-stakeholder energy forum. The executive will be responsible for the ongoing monitoring of the work streams as outlined in the main document action statements and the executive will review the *Pathway 2050* document and will develop or commission either new policy interventions or work streams as appropriate according to the review findings. The executive will include representations from the following Ministers: the Department of the Environment, myself, the Economic Development Department, the Transport and Technical Services Department and the Social Security Department. The secretariat will be provided by the Department of the Environment and the executive will present a 5-year review to the States Assembly and will provide an annual progress update to the Environment Scrutiny Panel. The forum, with the chair elected on an annual basis, will include representatives from the energy industry, businesses and the third sector and will provide an opportunity for key stakeholders to input on the progress of *Pathway 2050*, raise areas of concern and identify changing or future priorities.

[12:15]

The draft terms of reference have been formulated for the energy executive and the forum and will be confirmed at the first meetings. Financial and manpower implications: the resources required to deliver the initial actions of the Energy Plan can be met from the existing cash limit of the Department of the Environment in conjunction with the central environment vote. As the delivery of the Energy Plan commences and more detailed studies are carried out, further policy decisions will be required. As and when these are brought forward, their recommendations will be subject to further economic analysis and agreement by this Assembly. In summing up before I propose the plan, I would like to just read out some of the comments of the Scrutiny Panel's adviser and their overall recommendation. It was said that their conclusion is that: "It would be to Jersey's advantage environmentally, socially and economically for the plan to be adopted as soon as possible. If changes can be made quickly and uncontroversially to address any of the issues raised in this report, that would be welcome." Of course, that has been done. They went on to say: "However, there is very little in the draft plan which is not helpful and no justification, therefore, for holding up its adoption to make changes. Indeed, referring to the history of the progress of the plan, if we failed this last step having secured wide consultation and agreement from all the interested parties, to fail to adopt it today would reflect poorly on the Island." They do go on, and I am in total agreement, to suggest that further action will be needed to flesh out and implement many of the initiatives that appear only in outline form in the current draft plan in order to meet the objectives and targets but this is really what the plan is all about. It is high level, it is a way of working, it has got buy-in from all the different parties and it is going to be added to hopefully in a positive way over the timetable that it intends to run for. So I think by and large that is a ringing endorsement of the work that has been undertaken, not just my myself, and I have played perhaps a smaller part than most of the officers who have been there over the years, banging away trying to ensure that we do get a document and a proposal that everybody can support. I must publicly thank all of those persons who have spent their time bringing this documentation into birth. There is probably not much more I need to say except that there were differences of opinion as to how this particular strategy should be brought to the House. As a Minister it was suggested that I should invoke my Ministerial powers as a corporation sole and just announce the strategy to the world, if you like, and only bring it forward to the House as a report. Others suggested perhaps, somewhat controversially, that it should come forward not as a strategic document but as a set of policy actions to which propositions could be brought in order to amend those policies, which are still in some form to be determined. Of course there were those in the middle who wanted to please, as

most members of Planning and Environment do, in particular those on the application panel and myself, wanting to be somewhere in the middle to please as many people as possible and to come forward with whatever is most possible and most supportable. We are here today with a strategic document, so I am expecting that if there is an appetite maybe before lunch or certainly after lunch to discuss the high level strategic arguments in terms of the main policy focus that is being presented today then perhaps we will be able to do ourselves a service in showing this Island that this Assembly is capable of discussing strategies in the correct way and able to resist the inevitable temptation, particularly after lunch, of being drawn into the weeds and discussing kind of trivial items which are not material to the bigger picture. With that, I would like to make the proposition and we will see what happens.

**The Bailiff:**

Is the proposition seconded? **[Seconded]** Deputy Lewis.

**3.1.1 Deputy K.C. Lewis:**

I will be extremely brief for the benefit of the Member on the senatorial bench with a short attention span. I think the point to make is that the energy plan and our transport policy are mutually compatible. With 40 per cent of emission savings projected to come from transport we need to encourage sustainable transport for many reasons, but the demand for and use of energy is obviously a key issue. A review of the Sustainable Transport Policy will be produced within the next year. We, of course, support low energy emission vehicles and we have in Jersey at present 69 electric cars, 6 electric vans, 15 electric motorcycles and mopeds and 200 hybrid vehicles. This is something we will of course encourage. I will be supporting the proposition.

**3.1.2 Deputy J.H. Young:**

I think the Minister for the Environment has highlighted, and I thank him for it, the amount of work that the Scrutiny Panel put into this project. We did so because we thought this was probably one of the most important policy documents to reach this Assembly. Today the policy is setting us on the direction of policy for the next 35 years and as States Members are elected on 3 year terms, with only a month to go, it is a rare opportunity to take such steps. So I congratulate certainly the Minister for the Environment in bringing this and I know his team up at Howard Davis Farm, their policy officers, have put in an incredible amount of work. This is a very ambitious plan. Some might poke fun at it and say it is unachievable, it is dreamland, well in life if you do not aim at the stars you are never going to get anywhere. You might hit the moon but if you aim nowhere you will go nowhere. This is to set us on the right direction. I am going to apologise to Members, it is such an important subject I wanted to have a prepared speech, I do not have one. Of course, it is a bit sad we are in a barely quorate Assembly, without the Chief Minister, the senior Ministers, but nonetheless I am going to assume that they are there. It may be in cardboard presence but they are there listening somewhere and I accept the fact they are busy people, but this is really important. I want to highlight, if I can, some of the points in the environment report, which were supported but what we came up with were, we believe, constructive actions which would make it more realistic that we could really do this. I think right at the top level, as the Minister for the Environment has told us in this debate, it would be good if we can avoid keeping out of the weeds and look at the big picture. Since I have been in the Assembly I have heard all the criticisms about Jersey internationally. We are criticised, we have put a lot of effort into our financial services regulations and other areas to bring us into line, but here we have opportunity to set the Island in a direction of being an exemplar of environment policy as a small Island in control of our decisions. We have got so many of the ingredients of having sustainable energy that other places do not have. What this report does is bring them together and highlight those opportunities. Now, I desperately think it is important to take them and that is why we as a panel said: "No, Minister for the Environment, we

do not think you just want to use your Ministerial powers to rubber stamp this and produce this document as an R, which nobody reads, we want the States' blessing, the States' endorsement of these policies" which will be a rock against all the decisions and all the people out there, all of the stakeholders, all of the commercial operators and those that are looking to the States for a lead and what they need is comfort that yes they can invest money, yes they know the direction. So as the Minister says the whole thing is a target. The target adopted of 80 per cent carbon reduction is one which we have been signed up to for years by international agreement. Some would say we do not have to do anything because we comply, because we are connected by cable to France, all the juice comes down it, it is cheap and it is all hydropower and therefore we do not have to do anything because it is low carbon ... sorry, nuclear power, it is energy and carbon neutral. But of course the whole point is when you start to examine that, nobody can predict in an unstable world with all the issues in Europe, that all those conditions are going to be sustained for ever. We have to think how we can make the Island's own energy supply more resilient and how we can achieve those targets. We have got this responsibility, an international responsibility, and the policy starts with one of the issues of reducing energy in buildings because the problem is, we realise, buildings are a massive waste of energy. The energy efficiency in our existing building stock is dreadful. Why? Because there are no real financial incentives in place for anybody to do anything about it. The only people that have that issue are those in energy poverty groups who understand only too well what the cost of energy is. For the vast bulk of society, well it is a minor expense, no need to worry about it. There are no incentives in the system. So we think there is a whole set of things to do. Energy efficiency in buildings, we are extending this scheme, the successful scheme that the Minister has introduced or the previous Minister did for energy efficiency in buildings, to extend that into the able to pay sector. Now, I think one of the things this leads strongly into is issues such as the tariff structures for the energy providers. At the moment there are not the proper incentives in those structures. Of course we have a deregulated energy ... there is no regulation. The experience elsewhere says that in order to achieve differential pricing for the use of energy and produce incentives there needs to be regulatory frameworks. The Scrutiny Report said that we believe there should be a study of that and we heard from the officers of the Channel Islands Regulatory Authority about that work. It was very fascinating. It would be possible to have such a regulatory framework to encourage the development of things like smart tariffs to reward energy savings and also this issue about pay back tariffs. I have forgotten the word. This is where people invest in their own micro renewables. This is where people for environmental reasons want to put in solar panels, they want to put in wind turbines and things like that in places where the planning policies would allow to generate some local power. Of course there are some great successful examples of that in the Island. But, of course, like all of the renewable energy issues, there are periods of surplus and there are periods of deficiency. During the periods of energy deficiency you need to draw from a network, during periods of oversupply you need to put in. Of course that is why the electricity network is so important, because the network is the vehicle over which power is distributed. So there is a strong case for tariff structures that feed in tariffs, that when people have that micro generation they feed in supply to the network, they get some financial benefit of it. So that was a really important issue. Now, transport. I think Deputy Lewis, the Minister for Transport and Technical Services, has already spoken of that.

[12:30]

There is no question that Jersey with its small travel distances has got a massive opportunity to be able to look at hybrid vehicles and electric powered vehicles and if we had renewable energy as well, just think of that. If we were getting renewable energy so those vehicles could be charged overnight, what we could start to have is a much greater take up of those vehicles. Of course I personally brought in the budget a proposal to provide some G.S.T. (Goods and Services Tax) incentives, that was frowned upon. In the U.K. there are real cash subsidies. I think Deputy Luce

may be thinking about this but I flagged that up. That is a big issue, how we encourage that. There is a big opportunity and I am sure my colleagues on the panel will develop that further. But alluding to renewable energy, I was surprised, I really was surprised when we were given the information that the Renewable Energy Commission we set up, we were given all of their expert reports on the work that they had done led by the late Constable of Grouville, Dan Murphy. I am sure he would have been here in spirit today looking at that work because it was incredible. A vast amount of work done to assess the potential for tidal power. There are a number of barriers to that. This is offshore tidal power, obviously, within the Jersey waters, the 12-mile limit. There were barriers and one of those is we do not own the seabed. We were told there is work going on, we were told that work is being led by the Minister for External Affairs and it is important that that is beefed up because unlike ... we do not have the advantages of Alderney. Alderney have been able to really make progress because they have massive tidal power, they have the best potential, they have ownership of the seabed and so they have licensed exploration work and they have now got commercial licences in place. What we were told about tidal power is that commercial operators, because commercial investment drives this, will go to where they get the best return. What we were surprised at is that the return on tidal power in Jersey waters was not as great as Alderney. On the figures we saw there were 2 areas where there was that potential, but not as great. The potential on the other hand for wind power exceeded by a country mile what could be generated by tidal power. Well, that is why we put the wind turbines on the front page of our report because what we were told is the potential for energy generation by offshore wind installation exceeds our own total energy consumption in the Island by 7 or 8 times. We know that our neighbours in France are doing it anyway. Whether we like it or not, we will be looking from Jersey's coasts in a number of years and see offshore wind turbines out to sea. Obviously they will be in French waters, beyond the 12 miles, because there are E.U. (European Union) structures in place to provide financial subsidies and support arrangements for offshore wind. What the panel said is that we should look at what opportunities arise from Jersey, and a huge player in this must be the Jersey Electricity Company. They were hugely enthusiastic about the opportunities and what they need is strong backing from Government, strong stability so that if they do go down the way of investments they know that there is a buy in there from the Government in support of what is necessary to do the job. So we said there should be a strong initiative to work with international partners, particularly France, because obviously if there is an opportunity to develop way more on our power there will be a need to connect to a network, there will be a need to export power, a need to generate money, and of course as a spin off, we did not have the evidence of this, but it certainly excited the panel a lot, that we ask ourselves is there the potential there to generate new business opportunities. Make Jersey a centre of excellence for renewable energy. Bring the expertise to the Island, the knowledge of these systems. Train people up in servicing and the whole raft of spin off businesses. We would not do the whole thing but as part of a whole plan. Is there some scope there, we said to ourselves for development of a new industry and generating of money. We did not have evidence but we saw - and nobody challenged us on this - yes, we think potentially such things may be possible. This is, you know, classic with a vision, you start to see a goal. Something lights up and light bulbs go off in your head, if you like. You say: "If we do this right, there is that to be gained." We also were told that tidal power, at the moment the technology is not ready, will become more ... the technology would be more cost-effective, at the moment it is not cost-effective and that is why it goes to the best places, as it were. So what we said was Jersey should become a fast follower. In other words, see what happens elsewhere and follow beyond. Of course in order to bring that about it needs work to be done now. Big trees from little acorns. That work needs to be started off. What also we realise is that at the moment there is this issue of security of energy supply. We are vulnerable, we have seen how vulnerable we are when we lost ... I forget what the name of the cable is. We are down to one cable now. We are down to one cable. Very vulnerable indeed. Very vulnerable about other fuels too because we are a relatively small consumer of fuel oil and

others. We know one thing for certain, the cost of that is absolutely going to dramatically increase over the next 35 years. There were those that say: "Do not worry, guys, shale gas. It is cheap, it is free." I do not know who started this rumour about shale gas off Jersey, I kept out of it, but I tell you what, there was some talk about it but none of that stands up, there was no evidence that the panel saw that there was any potential for shale gas exploration around Jersey waters. If there was, my word, what whole set of environmental issues would come off the back of it. So I think we believe that the issues that were raised about shale gas potential, about how this would reduce energy prices worldwide and how we would get all this cheaper fuel, forget it, that is our view. Okay, I cannot prove that but the evidence that came to us led us to that conclusion. So having greater energy resilience of our own ties in strongly with the question of renewable energy. We are 100 per cent behind the Minister for the Environment. The one area we had the biggest concerns were how do we convert this strategy into action planning and do it. Potentially real big money. Of course one of my questions, and I think the Minister for the Environment has just answered it, he says the resources are in there, there are enough resources from the existing budget to do the initial actions. There are millions, if not billions, on the back of this somewhere and of course that cannot come from Government, it can only come from partnerships with some investment by Government, partnerships, private sector, encouragement of free enterprise and so on. How do you get that? The question the panel asked: "Are we going to get it with this energy partnership framework where we have a Ministerial Steering Group of Minister X, Minister Y, Minister Z, Minister W sitting around the table in a private meeting with a master plan on the table moving the pieces around. Are we going to get it? We did say in our report ... and the Minister for the Environment is not to blame for this because we believe this required the Council of Ministers to come up with some bespoke structure for this and yet it appears to have come out because when we did our report we did not know what the proposition was going to be. The proposition says it is going to be the Minister for the Environment leading this Ministerial team and they will do the job. Well, confidence to provide public/private sector finance. Is it enough to get the J.E.C. on board? I think all those private sector people were looking for a structure which they could have great confidence with and I do not think we got it. That is why we said the first task is for the next 12 months the Minister should come forward, there should be an action plan with real targets and money in it. Some of those things that I have mentioned can, I believe, feature sooner rather than later. Some of the issues about discussions can go on with international parties, steps towards the renewable energy work with the J.E.C. and other energy providers, that should go on. The only practical step I can think of how we might help that, I think in the next Council of Ministers somebody should be tasked with the job as the Minister for Energy. I do not know how that is going to be done. We went through P.33 but that was always in my mind. Of course there will also have to be some money there. No question, this strategy cannot be produced by Government, it has to get the private sector on board in some kind of partnership. I think that is an issue to discuss. Yes, we can do other things, we can revise the energy efficiency scheme because after all our Minister for Environment gets £1 million a year coming from the - I forget what it is called - the vehicle emissions duty, and he is able within his budgets to use that money. So far he has spent wisely, £4 million on putting in place energy conservation measures in low income homes for low income families. We now think it should extend into the able to pay sector in some way. He would have to look at the rules of all that. Sea beds, absolutely essential we get the control. Top level political discussions, and this is where I look across at the missing Ministers and hope that ... it is not a criticism, they may be listening, I am sure, where they are, that we can have top level political discussions with French and other authorities, and I am sure my colleagues on the panel will develop that. The Channel Islands Regulatory Authority on tariff structures to encourage them. That, I think, is all I am going to say because my colleagues on the panel will do much better than me in picking up those points and elaborating them. All I wanted to do was to say why we felt passionate this was something that the States should buy into. I have highlighted, I think, the things

we thought were most important and I commend Members, because all you have to do is look at the summary of the Scrutiny Report and you will see a set of bullet points that just more or less deal with what I have just said. The big issue is now then to take it forward, and I have made some pointers about that so I will leave it to other Members.

## **LUNCHEON ADJOURNMENT PROPOSED**

### **The Bailiff:**

The adjournment is proposed then, so the Assembly will ...

### **Senator B.I. Le Marquand:**

Sir, I wonder if you would allow me just to explain where the Chief Minister, the Minister for Treasury and the senior Ministers are, they are visiting dignitaries over for whom there is a dinner tonight from the E.A.U. (Émirats Arabes Unis) and there is a lunch today. Obviously they would very much want to be here but also with visiting dignitaries and a pre-arranged lunch that is rather important.

### **The Bailiff:**

Also before we adjourn I can announce the Council of Ministers has lodged Projet 98, Draft Comptroller and Auditor General (Jersey) Law. Very well, the Assembly will adjourn and reconvene at 2.15 p.m.

[12:44]

## **LUNCHEON ADJOURNMENT**

[14:15]

### **The Greffier of the States (in the Chair):**

Very well, the debate resumes on the proposition of the Minister for Planning and Environment. Senator Farnham, you were next on the Bailiff's list.

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

I got caught in a shower of rain. When I did have a bona fide excuse to be late I was on time. I do owe the Minister for Transport and Technical Services an apology and, by Jove, did he put me in my place a minute ago or before lunch rather. But nevertheless I am pleased he heeded my advice and his subsequent speech was under a minute in length, which was appreciated. I just want to join in as a supporter of what the Minister for Planning and Environment is doing. We join the list of about 170 other countries who have embarked on this journey and some have been on it for many years. We all try and do our bit and sometimes you get a bit disheartened because you think really we are so tiny on the global stage what difference can it make. But, of course, that is not the object at all. I think it was, I am not sure, Ghandi who said you can judge the morality of a society by the way it treats its animal. I think you can also judge a society by the way it cares about its environment and so on and so forth. I am a late developer when comes to supporting **[Laughter]** the environment, and by that I mean being a business graduate of the 1980s environment policies, what little we had of them in those days tended to be more of a hindrance than a help, but we have all come a long way since then. I think it was Deputy Young that talked about the importance of the utility companies in helping us on this journey. If you look at the U.K.'s experience with this, the 1980s market liberalisation under the Conservatives, the move to privatisation, meant that the Government no longer had the ability to directly control the energy markets and of course had switched to attempting to do that, although it had limited success with regulation. So regulation is hugely important to this and, of course, when it comes to utilities, and this is no black mark against the utility companies because I believe we have excellent utility companies, there is a lack of ... I

have lost the word, beg your pardon. Come on, somebody help me out. **[Laughter]** Regulation, that is the word I was groping for, regulation. There is a lack of regulation and we are going to need to have to get serious about that in the not too distant future. I was surprised that only 47 per cent of Islanders, if you look at the most recent social survey, felt we were not doing enough. I thought it would be a lot more than that. But nevertheless we have to push on. It strikes me that this little Island has a great opportunity to do something really good here, you know, instead of following and instead of comparing ourselves to Cornwall or somewhere like that on a regular basis, let them compare themselves to us, which maybe they do in their council chamber. Let other jurisdictions be saying: "In Jersey they do this, and in Jersey they have done that." Being a small Island with a nimble government and a responsive States Assembly we have the ability to do that. So really just to support the Minister's speech and needless to say I will be supporting this wholeheartedly, thank you.

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

Really speeches should be able getting things done rather than being generally in favour of green stuff. One of the phrases that the previous speaker this morning said was that we could and should be a leader in terms of green energy and in terms of green initiatives. Indeed the opportunity is there for us, no matter how small, to be exactly that. If we get the structures right and we get, as he said, the combination of private and public right, the fact is we cannot do without the public to get things going in order that the private can take over and deliver on a different scale. In terms of getting things into place and acting rather than just speaking, I have listened carefully to the Minister for Transport and Technical Services describing how many green vehicles we had and what he does not have and he failed to produce was a Hoppa bus going around town that was green and zero or low emission, despite the fact that I persuaded this House to suggest that that was part of the Sustainable Transport Plan and should be delivered. When push came to shove in the medium term financial plan, despite his gracious words today, on that occasion that did not quite get to the top of his list and fell off so it was not delivered, despite the vote from this Chamber suggesting that would be part of the Sustainable Transport Plan. I give you fair warning that I shall be bringing that again because I think it is a part of what we should be doing environmentally and socially to make sure that transport around town in those sort of terms does not have to rely on cars uniquely. If necessary I will be putting it in the next business plan, medium-term business plan, if we can. But I remember reading this some time ago, the *Pathway 2050*, and my reaction then and I brought a proposition to the House to try and ensure that the monies that we were putting into the schemes, particularly on energy saving, were significant. I thought we were in danger of putting too little weight behind this initiative so the question I have for the Minister for Planning and Environment is between then and now - I do not know when it was, 2012 was it perhaps when we were debating the Medium-Term Financial Plan - what effort has gone in in terms of toughening up those targets, beefing up those targets so that we are delivering significant progress as soon as we can. If necessary, again, I give the Minister for Planning and Environment fair warning that if I consider that the effort being put in is not significant enough, and certainly moving into the able to pay sector in terms of savings is very much worthwhile and to be recommended, then come the next debate on the next plan I will be giving him a hand to try and get some more start up money and some more significant funding put in there.

#### **3.1.5 Deputy G.C.L. Baudains:**

I am afraid to say I am somewhat disappointed with the Chairman of the Scrutiny Panel this morning. My good friend, Deputy Young. He was gushing in his support for wind power but I wonder he expects to put these things where they will not be an environmental eyesore. Modern turbines are visible for almost 30 miles. What about the unreliability of wind power and the massive subsidies required to get them built in the first place? The U.K. pays, if I recall correctly,

about £1 million a day in subsidy without which the turbines would not have been built. Now the U.K. has realised wind power is uneconomic and are cutting back, so why are we bucking the trend or seeking to buck the trend? I was also disappointed, as I will come to in a moment, that his panel had not really looked into the evidence and the science behind what is driving this. I will move on to what the Minister for Planning and Environment said in his opening speech. He spoke of the low carbon economy, climate change, minimising carbon footprint. If we turn to page 3, above the retouched historic photograph of himself, under the foreword **[Laughter]**... well, perhaps his team at the office should have that one listed, but anyway. **[Laughter]** Sorry, about that, it is a serious matter, because in the centre of the left-hand side of that page it starts off with the vast weight of credible evidence that climate change is happening and that manmade emissions are accelerating this process. Well, I am afraid that is not true and I shall come to that in a moment. On the other side of the page it is obviously talking about reduction in CO2 emissions. I am concerned because the whole proposition is basically predicated on the reduction of carbon emissions and the anthropogenic global warming, in other words manmade global warming, is the cause of the need to reduce carbon emissions. What I want to address is whether the foundation that this pathway is built on is accurate or is indeed found wanting, because if it is the latter then the debate is basically rendered worthless. If I may, I will start with anthropogenic issue, which is probably one of the worst examples of people believing something is true simply because it has been repeated so many times, because there is no proof whatsoever that it is manmade, indeed science proves the opposite from iScores and history and whatever. I do not think there were too many cars driving around about a million years ago causing all these emissions. I know Moses was supposed to have come in his triumph but I do not think there were many cars around in those days. It has become a religion and if one troubles to ask the priests of this religion - because you cannot call them scientists - they cannot provide the evidence. The reason for that is there is none. I spoke of the proponents of theory not being scientists for a good reason, because to my mind anyone who has to falsify their data in order to prove their case is not worthy of the title. Who are these people? Well, we start off with the I.P.C.C. (Intergovernmental Panel on Climate Change) which is not a group of scientists but people manipulating data to satisfy the governments who they are beholden to, which I will prove in a moment. I find that disgusting. Members may also recall the *Inconvenient Truth* that was produced by Al Gore where a British High Court found that it was so full of misleading and downright untrue information that in fact it was more of an inconvenient lie. Just one example of this, the I.P.C.C.'s fourth assessment report to United National Climate Change 2007 Synthesis report, known as the AR4; this report is coming under fire by one of its own scientist who admits he cannot find any evidence to support the conclusions.

[14:30]

Another example from climatologist, Professor Timothy Ball, says: "I have said the I.P.C.C. focus on CO2 [and I think this is a good analogy] is akin to saying my car is not running well and I am going to determine the cause by ignoring the engine [which in his analogy is the sun] the transmission [which is the water vapour] and most other mechanical parts and I am going to focus on one nut in the right-hand rear wheel, it is called carbon dioxide. Worse I am only going to look at one thread of that nut, the human portion of CO2." He went on to say the ease with which they have achieved this degree of focus is frightening but understandable because it was premeditated. Now, we probably know that the ex-Prime Minister of the U.K., Gordon Brown, and French President, Nicolas Sarkozy were working on proposals for a European monitoring organisation that will oversee every country's actions on emissions. That plan emerged after U.S. (United States) President Barack Obama suggested that monitoring could be done by using spy satellites. Mr. Brown stated: "I will work with President Sarkozy for a European organisation that will monitor the transparency that is being achieved, not just in Europe or our own country but in every country around the world." Big Brother at its worst. Yet another example, the embattled ex-head of the

research centre at the heart of what was known as the “climategate” scandal dropped a bombshell in an interview with the BBC when he admitted that there had been no global warming over the last 15 years. Dr. Richard Linton, a professor of atmospheric science, stated that: “Al Gore is wrong, there is no consensus on global warming and the frantic alarmism over the media has nothing to do with science.” When speaking at the Heartland International Conference on Climate Change in New York in March 2009 he said: “I think one point you should notice as one discusses the sciences that the global warming alarm, as far as I can tell, has always been a political movement and a highly organised one. Although it took me a while to realise this, opposing it has always been an uphill struggle.” He went on to conclude his remarks by noting most of his colleagues subscribe to global warming either because they fear for their jobs or they find it as a way of getting project funding, and quipped that scientists usually debate intelligent design but climate models are an example of unintelligent design because the models are being fed erroneous information in order to get results that the global warming alarmists want.

**The Greffier of the States (in the Chair):**

You are going to relate your remarks soon to the Minister’s plan?

**Deputy G.C.L. Baudains:**

I appreciate that, Sir...

**The Greffier of the States (in the Chair):**

We cannot have our whole afternoon on global warming debate. You do need to relate your remarks to the Minister’s plan. I appreciate your views and you are entitled to express but...

**Deputy G.C.L. Baudains:**

Yes, I appreciate that, Sir, but the Chairman of the Scrutiny Panel did have a fair amount of latitude going into wind turbines and whether the seabed around Alderney in whose ownership it was. What I am trying to say is this is fundamental to this proposition because if global warming is not created by man then we are wasting our time looking at carbon emissions or producing any sort of policy based on that. I have not got a lot more of this but I would appreciate just a little latitude.

**The Greffier of the States (in the Chair):**

I am not trying to cut you off totally, Deputy, I am just making sure it does come round the plan eventually.

**Deputy G.C.L. Baudains:**

What I am trying to say is this idea that anthropogenic global warming is a fact is what underpins the whole - and I see the Minister is nodding his head - strategy. What I am proving is that this is not the case and therefore this strategy falls. I will get to the point as quickly as I can. This is an important matter because when you say global warming is not made by mankind and people are like: “He does not know what he is talking about” because they have heard it 300 times on radio or television and they believe it. Mr. Goldberg of the U.S. and National Oceanic and Atmospheric Association says that it is a blatant lie put forth in the media and it seems there only a few scientists who do not buy into global warming. What I would say is that where it is said that there is consensus on this, that is totally untrue because there was a petition against the global warming facade, 19,000 scientists signed that petition as opposed to the 600 that the U.N. (United Nations) could muster in favour of it. In a similar petition in 2010, 31,486 scientists signed it against believing in anthropogenic global warming, over 9,000 of which had PhDs. They are not just people moaning about it, they know what they are talking about. So my message is this, and there is a lot more information here if anybody wants it: the fact that the whole anthropogenic global warming climate change issue may be a scam, however, does not absolve us from recognising that

the world's resources are finite and with an ever-expanding population there are serious problems ahead. We have to be more responsible and efficient in our use of resources. So what I am really looking for is the truth. Let us not say it is because man is making too much carbon dioxide, that is not true. Let us say that resources are finite, prices will rise as a result, we have to be responsible, that is a perfectly valid argument. I just do not like things being made on false premises. Some Members may be aware that there is a plan by various global organisations to reduce the world's population by 90 per cent. No doubt it would help the situation but I do not know if we are all content with that solution. I would also warn Members that Bill Gates, who most people will have heard of, suggested that this might be achieved by vaccination. Now, I do not know if the Minister for Health and Social Services is aware of this but I think we should watch out. The problem I have, apart from what I have said about this whole strategy, is the idea that we can reduce the usage by the amount suggested simply will not work. Let us say, for argument's sake, that we manage a 25 per cent reduction in emissions - which is probably unachievable anyway, never mind the figures in this proposition - which would be immediately negated by immigration adding to more requirements so we end up back where we started anyway and we are all poorer because we are all using less in the first place. So in essence I am not saying we should do nothing but, on the other hand, we should not get carried away in a rush of do-goodism, which has basically no chance of becoming reality. We should also remember that most of the alternative green energy generation is voluminous expense and, in the case of wind power, completely unreliable. You have to have 100 per cent back up either of nuclear or coal-fired power station so we need to bear all that in mind and not just think: "Oh, this is wonderful. We can move forward with this, we will cut our emissions by 90 per cent." We might be able to cut our emissions by 90 per cent if we all went back to living in caves, but the point is we also need to be very careful because even if we moved slightly towards using wind power or whatever, we are then having an energy which is a lot more expensive, which of course makes us uncompetitive. India and China and that are going to continue with their coal-fired power stations and producing cheap energy while we have very expensive energy and we will go out of business if we are not careful.

### **3.1.6 Deputy J.M. Le Bailly of St. Mary:**

The expectation for Jersey to reduce our carbon footprint by 80 per cent based on 1990 levels is totally unrealistic. Other countries and jurisdictions are in fact making massive reductions on their carbon footprint, mainly for economic reasons, by shifting heavy manufacturing processes to China and India. This makes some of the previous worst polluters in the world, namely North America and others, look good just by shifting their problem. The Kyoto Protocol obviously does not apply to the sacrificial countries who are churning out the compliant country's filth. As Jersey is not a manufacturing base with no need to offload wasted energy or toxic emissions, the expected reduction is not realistic. However, there is a lot that people could do locally in order to reduce energy. If, that is, Planning would allow this. There are conflicting policies in our Planning Department with an historic department requirement which prevent property owners from improving their homes by installing double glazed, draught proof windows which cost effective and maintenance free, in favour of repairing windows and doors well past their practical life just because the glazing bars or the old thin distorted glass is original. That is absolute nonsense. If people have that problem perhaps they could invite a few boy scouts around during bob-a-job week and give them a football.

### **The Greffier of the States (in the Chair):**

Sorry to interrupt you, Deputy, but the Assembly has become inquorate. I would ask the Usher to summon at least one Member from the anteroom.

### **The Connétable of St. John:**

Are the majority of Ministers all out with the visitors, Sir?

**The Greffier of the States (in the Chair):**

There are Members coming.

**The Deputy of St. Martin:**

Could we have roll call, please, Sir?

**The Greffier of the States (in the Chair):**

No, we are quorate. It is an unproductive use of the Assembly's time to adjourn but, on the other hand, if we do become inquorate again I will ask that the rolls be called. Deputy.

**The Deputy of St. Mary:**

Yes, Sir, I shall continue. I do, though, believe that we should all strive to reduce energy but that can be done now by applying and allowing people simple practical solutions, starting with commonsense being applied at planning. That would be a welcome addition by all.

**3.1.7 Connétable J. Gallichan of St. Mary:**

St. Mary's vanguard is coming out on the pincer movement because from a different point of view I am going to say very much the same thing as the previous speaker. I listened with interest to what Deputy Baudains had to say. He said a lot of very interesting things but there is one thing I can agree with him on what he said, and that is whether or not you are a subscriber to global warming or those concepts, we all have a responsibility to use the earth's resources in a much better way. I was listening to the Minister when he proposed this and was really going along with everything he said because one thing you can totally say about our Minister for Planning and Environment is he has extremely high environmental principles and he is one of those people that lives by his principles. However, when I listened to the chairman of the Scrutiny Panel speak, he was one who actually raised the concerns with me and it is for exactly what Deputy Baudains said, this wind power and all types of energy. It is useful, it is interesting and in the right circumstances perhaps it might be good but there are tremendous environmental problems with it and it is by no means the panacea or the economic driver that people have in the past historically claimed. My question for the Minister for Planning and Environment when he sums up, and to follow up from the Deputy of St. Mary, is he is the Minister for Planning and Environment, where are the tensions there between what is environmentally required and what is environmentally good, and what the planning process calls for? If we ever do go down the route of looking for sustainable energy in an installation type scenario on the Island or within its boundaries, coastal boundaries, where will the trade off be, where will the checks and balance be between environmental issues on both sides - looking for energy efficiency, looking for energy security balanced with the safeguarding of the environmental heritage of the Island and how that relates with the planning principles - when that is all very much in the same court, as it were? I would be very interested to hear what the Minister has to say on that, reiterating as I do that it was not his presentation of this that alarmed but rather the Scrutiny Panel Chairman's.

[14:45]

**3.1.8 Deputy S.Y. Mézec:**

It is a shame that Deputy Baudains is not here because I am mainly rising to counter some of the points that he made. I was contacted by somebody in the run-up to this debate who anticipated that the arguments that he used would be brought forward. But there is no point in talking about the science because the vast majority of us in this room are not scientists. I personally did absolutely appalling badly at my science A level so there is no point in me even trying to come up with some

sort of scientific argument. But you can use logic to prove that he is wrong. He said that there is no scientific consensus on manmade global warming. Ignoring the fact that that is not true, that there is virtually a consensus on it, there is another group of organisations in which there is a consensus that manmade global warming is a problem and that is the fossil fuel companies. The organisations which have the strongest financial incentive to come up with some sort of report or evidence that manmade global warming is not a threat, do not do it. The reason they do not do it is because they cannot. If you go on the websites for Exxon Mobil, Shell Oil, Total Oil, BP, C.N.P.C. (China National Petroleum Corporation), Gazprom and even the American Coal Council, they all accept what we know is the conventional science on this, that manmade global warming is a real threat to mankind. They have the money to fund whatever crackpot scientists, whatever dismissed Einsteins they want to find and suggest that manmade global warming is not happening. They have got the money to do that but they do not and they do not because they know they cannot, they all accept the science as we know is true. They do sometimes back ultra right wing think-tanks that support some of these conspiracies but they only do that because those groups also support less regulation and, at the end of the day, they are businesses that just want to make money. It is nothing to do with the science. The fact is we have got something before us that is really important, not just for Jersey but for the world. I really liked some of what Senator Farnham had to say before about other places looking to Jersey as an example. Being a small Island with some of the tidal resources we could potentially be tapping into, we are in such a perfect position to be able to become an Island that is self-sufficient when it came to energy, which is not pumping out carbon into the world's atmosphere. We are in a great position to be able to do that and I hope Members back this so we can take one step towards doing that.

### **3.1.9 Deputy J.M. Maçon:**

I will be as brief as I can. I will remind Members that when we adopt a proposition we adopt the proposition and not the report so I would like to ask the Minister a few questions if he could just flesh them out. In relation to the first policy on Demand Management, while it does seek an investigation what can he say to allay my concerns that perhaps some of these measures will not be overly draconian on certain measures. For example, there are a raft of policies that could be used which can hit various groups in society perhaps disproportionately harder than others. I would like that to be fleshed out a bit more. Policy 2, I would like the Minister to explain not only within that concept but why perhaps overtly clean energy was not included within that particular aspect. In regard to Deputy Baudains' comments again - like Deputy Mézec I am not a scientist and I do not understand all these parts per million in the atmosphere - that goes over my head, but what I do know is that on health grounds cleaner energy is beneficial for us all and that is something which we should be striving for. So I would like to know why that was not overtly stated within the policy. Again, part 3, looks to address the issue of fuel poverty. Again, I would ask the Minister what safeguards are there going to be put in place in order to protect those in the middle, or are we going to be yet again in the Jersey situation whereby those just over the threshold get clobbered for lots of different things and there is no incentive in order to protect that group of society. I just wonder what the Minister envisages to put in in way of a safeguard for those. Again, how will the Minister for Planning and Environment, with regard to part 4 ... while appreciating that a lot of it is going to be cross-Ministry but I note that the Minister for Treasury and Resources is not going to be included in this group and I would have thought he was someone who will have access to some sort of finance, why that key individual has not been included in this particular group? Not that I would say that I want to extend further the remit of the Minister for Treasury and Resources but I think that is a key question which I would like a response to. I do accept, much like the Constable of St. Mary, when we are looking to protect the scenic beauty of the Island, particularly in the coastal areas, if we do go forward into perhaps trying to develop our own coastal renewable energy provision, which Parish is going to line up and say: "Please use our coastline in order to facilitate

this”? I appreciate as a community that is going to be a very difficult one for us to tackle but nevertheless it is something which we will have to come forward and address. I look forward to how the Minister intends to kind of tackle that particular aspect. I have those questions for the Minister.

### **3.1.10 Deputy M. Tadier:**

Earlier I commented to my colleagues that this debate was becoming like a Radio 4 comedy show but without the irony or even without the comedy perhaps. I do not necessarily intend to try and make a bid for the most wacky speech during this debate, but you never know it may well happen. The interesting talk about energy reduction, there is one way in which we can reduce energy, and I have always said that indolence is often underrated. If we had a more indolent society then people would consume less. But an easy way to do that is to just stay in bed a couple of hours longer each day, then you do not need to consume as much electricity, you do not need as much energy, as much food and then you can see a reduction in the amount of food coming into the Island and everyone is a winner. You reduce your air miles like that so you consume less. Do less exercise as well, because then you do not need to eat as much food, *et cetera*. Do the minimum amount of exercise obviously to stay healthy. Okay, that is the wackiness out of the way for now, but there is a serious point that underpins that. If you remember the comments of the Minister for Planning and Environment when he said: “We should consider wearing jumpers rather than necessarily turning the heater up” there is a valid point that underlies that. We should not necessarily be over reliant on energy and electricity when there are other ways that humanity has had going through the millennia to deal with basic issues. So there is an issue now in this day and age when everyone has got these kind of devices. We rely on this and if we cannot find a charger for a day it almost seems that life has stopped, but of course that is not the reality. There was a time, of course, when people lived and worked in the same place. If you were a shopkeeper you would normally have a flat above your shop. If you were boulanger, you would have a shop or a flat and then you would just wake up in the morning, go down the stairs. If you are a cafe, restaurant, it would all be in the same area. So there is a difference in that we are expected to move from one place to the other and maybe we need to rethink these issues. They are all interconnected. I do ask the Minister to clarify, and I have spoken to him informally just a moment ago, exactly whether or not point (a)(2) is realistic because he said: “The Minister for Planning and Environment working with other Ministers will develop and implement actions and work streams to ensure the utility scale renewable energy generation to ensure diverse, safe and resilient supply of energy.” That is fine and that is not the one I meant to read. The one I meant to read was the one above **[Laughter]** which says: “The Minister will develop and implement the actions and work streams that will reduce energy demand through a series of interventions.” Taking that literally, that is not realistic. Energy demand is not going to go down, it is not even going to stay the same if we carry on with the current trends. Energy demand will go up. That is because we are becoming more reliant on electricity. There is no sign that the human has lost its appetite for the car, it is quite the opposite, and the key thing that nobody is really addressing here, the one thing that has the biggest impact on our environment is the population; it is people. People are what impacts on the environment; I think we can all agree with that. When we have a policy in place not to tackle population, not even to reduce it or keep it the same as it is now but we have an economic model which is predicated on population growth and on constant and rampant economic growth, there is a tension there. In fact there is more than a tension, the 2 are incompatible ultimately. We cannot be pursuing an economic model which is anti-environmental and then at the same time bring forward an environmental policy, an energy policy which says that actually we want to try and reduce the energy. It simply does not stack up. I would like the Minister to address that. I think he know where I am coming from. I also know that the Minister is looking at different ways to generate energy so that is perhaps the positive that we can take out of this. I would ask the Minister to bear in mind the fact that we are a small Island,

and we have spoken about this before, I would like to see a feasibility study done with the French to find out whether we can set up wind farms in France. We know that they have much more space over there. They already have wind farms on the Côte d'Albatre(?) coast. If you go over to the northeast coast of Jersey you can see the wind farms on a clear day. I do not know why we do not buy some land over there, rent some land, put wind farms up in France in areas which are not particularly residential. They would be happy with that. We would come up with some kind of energy share, lay cables across under the sea and that we can get the benefit from that. Ultimately it would be free energy once it is up and running. Of course Deputy Mézec has referred to wave energy. I know the Minister will probably be addressing that in his summing up. We would need to get on board with that. It remains to be seen when the time will be right for that. I think those are the comments that I need to make. I do want to emphasise that we cannot be paying lip service on the one hand saying we are green when our economic model, our population policy is not green. I want to see a day when there are more true greens in this Assembly. I am not a green per se, I am obviously of the left but I see myself as being green politically as well and we need a lot of centre left greens and a coalition. Certainly from my part, and I believe our group Reform Jersey, the party, is on board with green left policies which will ... Deputy Mézec raised the issue, there is a square that needs to be rounded and a circle that needs to be squared at the same time about making sure that any policies that are brought forward are not detrimental to the public but we need to make sure that we are all travelling in the same direction. I know there are people listening who are of the green movement who do have the scientific expertise, who do have much that they can bring to the table and their presence is desperately needed in this Assembly if we are to change what I think is the most fundamental challenge affecting the earth, and that is to do with global warming, it is to do with peak oil and it is to do with the fact that the oil supplies, *et cetera*, will not last for ever. We have a duty to the whole of the plant but the positive is we can lead by example in Jersey and we can be an example of how things are done in a small Island democracy.

### **3.1.11 The Connétable of St. John:**

Let me read from the foreword of our Scrutiny Panel Report of 14th November 2013. The Minister's draft policy came to us as an environment policy. At the end of the review after 6 months' work, including many indepth public hearings with key stakeholders, we see it as a whole Island policy expanding our economy and potentially affecting all our lives. The policy illustrates the very principles of sustainability, something many argue has so far eluded our community. I will stop at that point in respect of that report there. It has even eluded this Chamber. I count around this room, there is something like 40-odd light bulbs. We are all using energy, my colleague here with his computer on the desk, most of us have got telephones or radios...sorry, BlackBerries in our pockets which are all charged by energy, and it goes on and on. We are supposed to be leading by example. We have got windows, curtains are pulled across in some cases, right across the window when we could be using natural light. We should be leading by example if we are going down this route.

[15:00]

### **The Greffier of the States (in the Chair):**

We could turn the lights out if you like, Constable. **[Laughter]**

### **The Connétable of St. John:**

Good idea, Sir, because the hot air in this Chamber we could be generating energy with. Yes, the microphone system and so on and so forth. We are looking forward to 2050 but there are things that we should be leading by example and we are not. I have just referred to a number within this Chamber. Why on earth we need lights on above the chair, not immediately above but above in the verandah up there, I do not know. **[Laughter]** I note the *J.E.P.* have turned their lights out and the

BBC never have any lights. But all in all we should be leading by example. Those curtains should be open, we should be making use of the natural light. If we kept our natural light from the buildings clean above then we could use the natural light as our forefathers used this Chamber in the past. But let us get real I suppose my colleagues are going to say and look at the alternatives. Tidal power: fine if you are further north at the moment. The technology is probably far better for somebody with a tidal stream running considerably faster than ours immediately around the Island, like between Normandy and Alderney you have a much bigger tidal stream. Somebody is taking note about opening the curtains, a little wider. Thank you. We might be able to reduce one or 2 of the light bulbs upstairs. So the technology as far as we are concerned at the moment is probably not there at this moment in time for tidal power for the Island of Jersey. But the bigger picture, if you are doing it further up in the Alderney race, it is achievable. On our coast we just look at the barrage at La Rance, they are using tidal power because they have got the back-ups. As the tide goes up through the barrage it stores the water and then when the tide drops out it is running in the opposite direction. They have been using alternatives, natural energy, for about 40, 50 years on the barrages. We know that the wind turbines do require subsidies but they are a way forward. Over the last several hundred years we have been powering our grinding machines, for want of a better word, by wind until electricity came along. We had wind powered windmills just to crush the wheat and the corn. So the technology is well proven. We have just moved it forward and we are putting wind farms out at sea and we are putting one on land or whatever. Jersey, in fact, should be getting on board. I do not say doing the technology but becoming junior partners with our neighbours in France and making these things happen. France may have a problem financing it but Jersey, we have got some of our Ministers out today with gentlemen and ladies coming up from the Middle and Far East who are finance people and we should be looking at putting things together between Jersey and other people and becoming junior partners in wind farms. That will be the energy in the future in part, not in whole. Not in whole. We have our micro renewables, which we have some large cattle farms on this Island and there are ways of getting the methane and that and using the gas from these area. They might, in the short term, just produce sufficient to light up the Parish of St. Mary or the Parish of St. John but this needs to be looked at in more detail. It is happening elsewhere. At the moment because we are a wealthy Island we do not look at the alternatives. We need to be looking inwardly as well as out. Take the bits that we can do and make it happen but we need the Government support, not only through the Environment Department, we need to make sure that the Treasury are also putting the funding, the seed money, in as we do in other areas. We are for ever putting seed money into agriculture and what has happened in recent times, most of our agricultural producers are now working off Island and probably not even paying tax over here so therefore we should be putting seed money in other areas, and this is an area that we should be looking at. Another area that we are hearing a lot about is shale gas. Now, I am not supporting that at all because with all the fracking that goes on we may be doing more harm than good. But it is happening elsewhere and as far as I am concerned, the jury is out. But where I think we have an opportunity, and we have not looked at in any depth, is geothermal. I have got a number of geothermal boreholes at home for my heating of my pool and it all works well. But if we went down deeper, and we have got hot springs down in the volcanic areas of St. Martin, because I recall when I was in business putting shower units in off hot boreholes on a farm in St. Martin. Now that was 25 years ago and that was the heating. That is all that was required, they went down 300 or 400 feet in this borehole and the farmer was very happy he did not have to supply any heating units. The staff could shower straight from the well. Now, what is wrong with the department putting some seed money in to do a couple of deep bores in that area and we could possibly have geothermal pressurised turbines. It is a matter of thinking forward, and the Minister is right in putting his plan forward because we have to do what is right for our children. It is all right for me, I am just coming up to the big 70 before long. But when I look at our youngest Member in the Chamber, we have got to do it for his children and his grandchildren because we

must not be using all the energy up which we have done. In the last 150 years we have probably used more of the earth's energy than the previous millions of years, so really we need to make sure that what is being produced naturally, like geothermal, make use of it. I do not think you want to hear too much more from me [Approbation] because ... thank you, Connétable, [Laughter] because I think you know my green credentials, having been the Chairman of the Environment Scrutiny Panel for a number of years, and I still sit on that panel and having sat on it in its shadow form. But I am very supportive of what the Minister is trying to bring forward.

### 3.1.12 Deputy R.G. Le Hérisier:

I am glad to follow the highly esteemed Constable of St. John. I do not want to go into detail, I am not sure this is the House to resolve issues about whether climate change arguments are valid or not valid. It very quickly morphs into often 2 sets of inflexible positions which cannot be bridged. I think the bigger issue is, and I think the Constable did put his finger on it, there is no doubt our consumer society cannot last much longer. Deputy Tadier is absolutely right about population growth, this is the big issue the environmentalists always avoid. You very rarely see it discussed, there is a lot of cosy things discussed about let us all run electric cars, *et cetera*, but of course, to be fair, it has to be said that within the population debate, of course, is the massive consumption within the West, and the massive consumption within the West of the West, in other words Americans consume a lot more than Europeans and Europeans consume an awful lot more than, for example, most Africans. There are immense disparities and it is ironical that the model we are showing to people like India and China, which they have embraced with enormous enthusiasm, of course, is the consumer model, and they are almost proving to be better at it than we are. Their application, their energy, their zest; but it is ultimately doomed, if the truth be told because we cannot keep opening coal power stations, for example, at the rate that China is opening them. So I wanted to preface with some very general comments that I think a lot of these proposals, even though they are very well-intentioned and well formulated in some respects, a lot of them ultimately do not deal with the major question, which is, I am afraid, to quote that famous British comic whose name eludes me but he is not in the House at the moment: "We are doomed." In the sense that if we keep running along that consumer path we simply, as the Constable said, cannot keep using resources, irreplaceable resources, at the rate at which we are using them. But to switch the focus, I think it is an incredibly well written energy report from the Planning Department, to a point. I thought the Chairman of the Scrutiny Panel was going to address that because his panel make a great play about that in their report, which is basically the fact it is much more aspirational than action drive. You may say: "Well, why bother about that? This is all great stuff, at long last the States are signing up, albeit in a general sense." But I do think it is much more convincing if it is matched by clear targets, by some understanding of the financial constraints, *et cetera*, and this is what is said very well in the Environment Scrutiny Report. They say it is stronger in aspiration than action, there are numerous commitments to study. Numerous commitments, and as I read the energy plan I thought it was so vast, I think it is about 149 pages, and I must admit I did lose the will to conserve energy as I was approaching the end. I thought it would end up on a big bang conclusion and it would be said: "We have analysed everything" and some of the detailed analysis, I think, is quite good and interesting. But I think it would then say: "And these are the actual priorities" not the priorities embraced in the proposition that Deputy Maçon referred to. "But this is how we would go about implementing a plan given all the issues, given the logistics, given the financial constraints, given the fact that wave and tidal energy will very much depend on our French colleagues and basically the money that they will provide for it" *et cetera*. I wanted more of that conclusion; a really strong conclusion which said: "This is what we have analysed, these" ... and also what you find is a classic of plans, these are the quick wins, these are the medium term, these are the long-term, and a discussion about why they are placed in the different categories. Not because one has to be dogmatic about these things or whatever, but simply because it gives you an

indication of the direction and how the direction is going to be managed because at the moment, it is so amorphous in parts that it is very difficult to get, as they say, a grip on that. That has been the point made on which I thought the Chairman, who gave a really almost evangelical speech about conserving energy and about how we use it in the future, I thought those were the points that were going to be made. But we get from the panel what is not, I would say, a major ... there is very little in it which could be seen as not unhelpful; classic Sir Humphrey statements. I would have thought they would have been stronger, for example, although there are some concerns about making commitments whose delivery is uncertain. But I totally agree, the panel considers that further and more positive action will be needed to flesh out and implement many of the initiatives; excellent, and they do, to be fair to them, they give a list. That list does not necessarily correspond to the priorities or totally correspond to the priorities that the Minister has put within his actual proposition. That is what I wanted to see, not a list, but I wanted to see an analysis of where do we move forward, what are the quick wins, what are the short-term issues, what are the medium term, what are the long term, and what are some of the kind of financial issues and a discussion - and this is where I thought Senator Farnham was going - of how other countries have tackled this because the Environment Panel makes a very good point about behaviour change, about basically trying to encourage people in a fairly timid way, guaranteed of very little result. How do you bring about change, and to look at how other countries have handled this, I think would have been ... I wanted much more about this because they obviously had to walk through the political landmines of the climate change debate and so forth and so on.

[15:15]

So that is where I was disappointed but I still think there has been some very good work done. I think the Environment Panel report is very good because they have done some of the Minister's work, and I hope he will buy into it. Thank you.

### **3.1.13 Deputy R.G. Bryans of St. Helier:**

A journey of a thousand miles starts with a single step and I can assure the Constable of St. John because I was on a trip across to France with the Minister to talk about the very things that you were asking about, which is, are we going to share our energies, are we going to share our costs and things? It was on that trip, in discussion with the Minister, I heard him say that what was lacking was big ideas and a vision. I think he delivers the very thing he claims is missing. I think Deputy Le Hérisier is absolutely right, this is an excellent document and I think the Scrutiny Panel's document behind it is equally as detailed, so I am not going to go into the detail. But I like the big ideas and the vision, and as Deputy Southern says, what we need is a proactive document. This lays out a map showing a direction, 4 simple components and a target date. I think it is adaptable and flexible enough, I just hope we do not get bogged down in too much detail. My question for the Minister though, and, like I say, I am going to be very brief about this, is, really, he mentions working in fact at what Deputy Tadier mistakenly started to talk about which is the policy numbered ...

### **The Greffier of the States (in the Chair):**

Sorry, Deputy, the Assembly has yet again become inquorate. I will just ask the Usher, in accordance with Standing Orders, to summon one Member who is just arriving. You may continue.

### **Deputy R.G. Bryans:**

Oh, here he is now. Deputy Rondel saves the day.

### **The Greffier of the States (in the Chair)**

Thank you, Deputy, please continue.

**Deputy R.J. Rondel of St. Helier:**

You are welcome.

**Deputy R.G. Bryans:**

Thank you. Was policy number 2, the Minister for Planning and Environment working with other relevant Ministers would develop and implement actions and work streams and then it goes on. My question really, for the Minister, is how will he work with the Ministers and does he think they will share his big ideas? But I think this is an excellent document and I will support it.

**3.1.14 The Deputy of St. Ouen:**

First of all I would like to agree with others that have praised the Scrutiny Panel for the work undertaken in reviewing this particular plan. I would just like to make a couple of comments. First of all, obviously it is called an energy plan for Jersey and we are told in the report that obviously the next Council of Ministers are now able to tick a box with regards to the Strategic Plan because obviously their action was to introduce an energy policy to move towards a low carbon economy with more renewable energy and energy efficiency. They have obviously done that. The problem is it has been done before, maybe not by this Council of Ministers but certainly over the last 10, 15 years, 2, at least, significant reports have been not only produced but brought to this Assembly and, I believe, supported around environmental and energy matters, which, as I say, previous States Assemblies have signed up to and agreed to, and yet they now sit on some very dusty shelf all but forgotten about. You have got to ask why, and I think that the Scrutiny Panel and members of it have identified one of the points and the problems around plans such as this; they need funding. You cannot do it without money. People have cited different countries where, for instance, they are encouraging the use of electric vehicles. What is it? They are giving a subsidy; governments give subsidies. They do not say: "Well, the consumer pays. We are going to encourage electric cars but forget about the fact that they are going to be more expensive, you have just got to buy them." It is too naïve and easy and you are not going to achieve the desired results in that way. We are told and we are asked in the proposition to approve the following policies, and obviously we have got policy 1, 2 and 3 that it has identified, and yet when you get to the very end of the proposition, in part (b) of the proposition, it says: "We request the Minister for Planning and Environment to bring forward for approval by the Assembly, as appropriate, future policy proposals that are developed from the implementation of the Energy Plan." Well, so what are we doing today? We are supposed to be approving policies, but other policies or alternative policies, future policies are going to follow. Where is the commitment? I come back, again, to the point that was made. Not only have you got to have real commitment but you have got to support that with funding, and an analysis of how you make this plan affordable. It is all very well saying householders need to cut the energy usage by improving the insulation of their properties but there is a cost. For many, who are currently struggling to make ends meet, are going to find that extremely challenging, even if there is some money that is available in some form of subsidy. Also, it is not lost on me that when I look at the chart, the carbon energy policy, table 1 on page 7 of the summary. It starts off at 1990 which is the point that we are going to start the measurement from, up to 2050, where we are supposed to be saving or reducing our emissions by 80 per cent. I see that from 1990 to 2010, 20 years, the actual carbon emissions have reduced from 622,000 roughly to 448,000, and I am thinking: "Wow, how have we done that?" Then I think: "Well, hang on, what has happened in those years? We have done a significant deal with France to supply our energy." What is it? It is nuclear, rather than running our own plant. That is great and there are all sorts of reasons for that, a lot of them were economic rather than environmental but even saying that, there was an environmental gain. The other thing is that cars have increased in number during that period, but emissions have fallen. There are more cars but they are more modern, so technology will help to achieve some of the reductions but it is no use simply relying on modern technology to deliver the plan. As I say, that is

why I come back to the first point that I made. It needs to be funded. We need to be clear about the cost. One last point; it mentions in here setting up an energy partnership and a Ministerial energy executive. Perhaps the Minister will clarify 2 things. One, whether when it says that this Ministerial energy executive will include representation from the Departments of the Environment, Economic Development, Transport and Technical Services and Social Security, who do they mean? Are these the movers and the shakers, in other words the top men, the Ministers? Are these going to be Assistant Ministers, or are these going to be civil servants? Because obviously that will, and could, have an effect on the ability to deliver such a policy. The other question that I have for the Minister is, when we talk about energy and energy usage and the savings of energy, a lot revolves around our homes. Why was it decided to omit the Minister for Housing from that particular executive group? Also, why was it decided that the Minister for Social Security rather than the Minister for Treasury and Resources should be involved? I think listening to the comment that Deputy Le Hérissier made, it is too easy to fall into the trap of believing that those in power now will be in power in 6 months' time.

### **3.1.15 Connétable M.J. Paddock of St. Ouen:**

I would just like to ask the Minister if he could tell the Assembly, has there been any consultation with other fellow Channel Islands and regards joint ventures such as tidal power? Perhaps it would be a good idea for the Channel Islands to be a leader rather than just Jersey.

### **3.1.16 The Connétable of Trinity:**

I am going to be brief. I think it is fair to say the majority of the people in this House will not see the end of this pathway in 2050. [Aside] However ... well, speak for yourself, Deputy, but I am pretty sure I will not be around. All I will say is that the pathway for 2050, any Deputy, Senator or Connétable who goes to primary schools will see that there is a great way in education, and this is where you see the youngsters looking at environmental things. So it is all right for us to say different things at this time but the long term is that these children will be reliant on the energy we just use today and we do not even think about it. So this is a good way forward but what we are doing here is not really looking about us doing it, it is for the future generations of our Island that will benefit from what we decide today. Thank you.

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

I am pleased that Deputy Baudains has returned to the Chamber because I stand, as Vice-Chairman of the Scrutiny Panel and Deputy of St. Martin, to further disappoint him. I would like to remind him that this policy, this plan, this vision for the future is not just about carbon emissions and global warming, it is about reducing energy. It is about things that affect people who live in this Island, like air pollution. It is about energy security, and we have spoken about our links with France and the various ways and means that that link may not be with us in the future. It is about people being able to afford to heat their homes, and it is about people being able to generate, in a very small way, their own power on their property. There are 2 words that I use, and I keep going on about them and the Chief Minister uses them as well, and that is working together, and when you look at policy 1 and policy 2, you see in both instances that the Minister for Planning and Environment is working with other relevant Ministers in this energy partnership. I cannot stress enough that I think this is a vision which involves the Minister by name but all the other Ministers, and I think everybody is going to be involved in moving this forward. I felt, as the other Members of my Scrutiny Panel did, that this proposition today was not worthy of a report, it was not worthy of an in committee debate, it was worthy of a proper debate so that we could properly move forward once we had agreed this. I would like to, before I move to some slight detail in the actual plan itself, just talk about these first 2 policies, 1 and 2. Policy 2 refers to the Minister working to examine the options for utility scale. Utility scale, I must start at, renewable energy generation, and

I think we have had some references to that, and certainly the Chairman of the Scrutiny Panel mentioned that I was one of those that went into this review quite committed to tidal power, to wave energy. But I have come out at the other end convinced that we really, in the short-term, need to look at wind and that is the one at the moment that is providing the power for the least amount of money. I take the point of the Deputy of St. Ouen, money is important. But tidal will come, wave will come, but at the moment wind is where we need to be looking. Then I move back to policy 1, the demand energy, and again the Minister is working with others to develop and implement the actions and work streams that will reduce energy demand. We then look at some detail in the plan and there are some quite ambitious targets. We have had people speak about targets and I would just like to talk about buildings for a while before I get on to transport because that is what I would like to focus on.

[15:30]

But buildings, here we are, and these are some questions for the Minister. By 2014, the plan says, a 60 per cent improvement on 2011 targets for newly constructed dwellings. So how are we getting on with that, because by 2018 all newly constructed dwellings will be carbon neutral in respect of space heating? So that is ambitious. If we move to page 51, we note that when it comes to commercial premises: “In 2014 all new commercial and industrial developments must be 63.5 per cent more efficient than the reference standard” and: “In 2018 all new commercial and industrial developments must be carbon neutral for space heating.” So there are 2 very, very ambitious targets and I hope we are getting on with them. We have had this report finished now for 12 months and I would like to know if we have made any progress towards hitting those targets because we are one year less than we obviously had 12 months ago. Before I move on to another couple of little sections, I would like to mention a building which is being constructed at the moment, which is showing some hugely exciting and environmental standards and that is the building of the new primary school in my own Parish. Every time I walk into the building, which is under construction, I am excited. We have got solar panels on the roofs and we are catching the rainwater, we are catching the water that falls in the land around, we are going to be recycling that through the school, and there is no question that following on with what we have just said, the children in our newly opened school next year will be environmentally wary because they will know, they will be in a school which is showing all the signs of using natural sunlight and harvesting our own resources to reduce energy. So finally, I would just like to move on to transport. Before I do that, I would just like to alert the Minister to a few things in his plan which, I do not know, Members may well have highlighted it themselves if they have read through the plan. But a few things that I was concerned about, and as we move into the future maybe we will not need to implement some of these, but it does say that we are going to have 30 per cent less cows in the future. This was a serious proposition to reduce methane and I think with the, at the moment, upsurge in dairy farming on the Island, one that needs to be encouraged, it is a new export, new diversity for the dairy industry. Are we really suggesting that we are going to reduce the Island’s cows by 30 per cent through genetic breeding? I am not sure that is going to be possible. There is a suggestion here that we will have congestion charging in St. Helier in the future. That may well come but again that is going to be difficult. We are going to use planning obligations to reduce the use of cars. That is another one that will be interesting, and finally, one that I found very interesting because I sort of objected to being told what I should do with my money, but it has been suggested in the plan that people might like to donate money to Durrell if they are producing too much carbon. Well, I do not mind paying to produce a bit more carbon but I am not sure that I would like to be told where I should be putting my money to do that. So there are a few little instances there of detail in the plan that I think may have to be revisited when we get there in the future. Finally, I am aware that a lot of people have spoken, but I will end by talking about ultra-low emission vehicles and I can get to that on page 58 if people tend to look at their report and we

will see here that road transport accounts are over one-third of final energy consumption and greenhouse gas emissions, and that, by anybody's imagination, is an awful lot. We are quite rightly looking to address that as best we can in the future. In finance circles in the last 12 months we have been taking a lot of notice of a report that we paid a lot of money for from a company called McKinsey. But Members might also be interested to know that McKinsey have also recently come out with a report which says that: "Hydrocarbon fuels will be the principal prime movers for our personal transport for the next 60 to 80 years." Which means we are still going to be putting fuel in our engines, but it then goes on to say that, of course, most of that will be hybrids and most of the power we use to move ourselves around will be electric, it will be just backed up by a very small amount of diesel or other fuels. But these vehicles now, this is a mainstream producer of cars, they are now heading towards, and there are the latest figures here from this small hybrid, 256 miles per gallon, and this is the way we are going. I have been a great enthusiast of ultra-low emission vehicles and I have to say that I am a little bit disappointed that the Minister has had this plan now for over 12 months. He has had the opportunity to champion this transport cause for cars on the Island and I am afraid, in my personal view, he has not grasped the nettle and got on with that because I think we could be 12, 18 months down the road of doing some really good stuff. I think we have a wonderful opportunity here in Jersey to be a global leader when it comes to research with electric vehicles. We are a small number of people on a rock, we do not have to travel those vast distances and electric vehicles are absolutely ideal for what we need to do here. I think we could be attracting large-scale producers of electric and low-emission vehicles on to the Island to do some really meaningful research work which would stand both us and them in very good stead in the future. But I move back to where I started which are the 2 words, working together. I am delighted to be able to endorse this plan for the future. As Members may have realised I have studied it at quite some length. It is ambitious and we are going to have to work together and we are going to have to work really hard together to pull this off. But we must have a vision for the future and this is where we start. Thank you.

**The Greffier of the States (in the Chair):**

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

**3.1.18 Deputy R.C. Duhamel:**

Right, in no particular order, and remind me if I miss you out. I will start with the Deputy of St. Martin first because he is last on my list. Yes, he made a few points. He was absolutely right, this particular policy is not just about curbing carbon emissions and pollution, engaging security of supply, affordability and generation of home electricity and things like that. It is more about telling the Island how this society, through its Government, is going to work holistically, work together, to espouse best environmental ways to do things properly. I think a number of other comments that have been made by other Members have been why are we doing this and surely we should be coming forward with specific action plans or whatever and maybe we are not big enough or we are big enough to be seen as punching above our weight or being the best example on the planet for what we should be doing in environmental circles. Yes, all of these things can happen but underlying the reasons for wanting to do these things there has got to be the big vision, and the big vision really comes down to, do we want to be seen as a society that is profligate in its waste of finite resources to the extent that we may be doing things to everybody else's detriment? That is a really big thing for a small society or any society to be wanting to be able to help to solve as a problem. So I think the Deputy of St. Martin is absolutely right, it is about working together and you can only begin to work together once you have agreed to work together. We have recently, this week, come through a number of debates trying to ascertain how we can all work together in a more meaningful way by properly working together, or whether or not we should just bundle up all the responsibilities and give them, as perhaps Deputy Young was suggesting, to the Chief Minister

to tell us what we all should be doing. Now, I think that really misses the point. In essence we have all got a say, we are all alive, we are all on this planet for a fixed term, we have all got the potential to affect our own lives and everybody else's, and the key message, which is the underlying green environmental one, or whatever, and in some ways religious, I suppose, a green religion, is that we should be doing things to help our neighbours as much as ourselves. So, I see the proposals being put forward today in similar terms to Deputy Bryans' where he kind of told us that in any journey of a thousand steps, or whatever, it starts with the first step, and that is really, in essence, what this debate is about. This is why it has been specifically put in the form that we have in front of us on our desks, to encourage us to determine whether or not we do have this general bind and the support to the big issue, which is, do we all want to be good neighbours to everybody else, and by doing so be doing the right thing in green environmental and sustainability terms? I think we do, but this is a first step. So I cannot be discouraged at this particular point in time in some of the comments that have come forward to suggest that perhaps we should have taken it down into the weeds and come forward with policy differences to solve problems in slightly different ways which may be distasteful to some or supportive to others, and would, if we had gone in that direction, ended up in having a right old free for all this afternoon to determine whether or not you are a supporter of one camp or another camp. It is the bigger picture that this is all about. I think this is one of the few occasions on which the States Assembly has been called upon to discuss the bigger picture and a proper strategy, and to decide, as I mentioned earlier, whether or not we are true supporters or not. Again, not just picking on the Deputy of St. Martin, but he surprised me and pleased me because he said that he had come with fixed ideas. I think we all do and he had been surprised that, having started off as a tidal power supporter, he now, having seen all the evidence in the best Scrutiny traditions, he had been persuaded that perhaps the short-term measure is to go for wind. I, in keeping with a number of other Members, was privileged enough to attend a working party group with our colleagues from Brittany the other day, at which some of these issues were discussed. That was after having been present at a meeting where, in the best traditions that we had supported in the past but cancelled our subscription, we had an organisation called the South West Energy and Environment Group which put together Cornwall, surprisingly to Deputy Young, Torbay, Exeter University and a whole host of other places in the south west, along with Jersey. We used to have regular meetings as a member of the Transport and Technical Services, or Public Services Committee at that time, and environmental member, to discuss the bigger issues about energy and environment. A lot of the cutting edge things that are now being spoken about in more concrete terms, because they are starting to happen, were being discussed by those bodies earlier in my political past. I was very pleased, as I said, to attend a meeting by students from Exeter University at which they had sat down and gone through an exercise to revise or review all of the different renewable technologies in a way that people are speaking about, and they arrived, not surprisingly, at the best short-term solution as being for us to piggyback, if you like, on the back of the Saint-Brieuc wind turbine proposal by our French colleagues, to the extent that if we did that there would not only be greater economies of scale, it was in a position that would satisfy even the most ardent objectors on visual grounds, that it was far enough away from the coast at St. Helier that you would not be able to see it particularly much because it is on our southwest perimeter. There were opportunities, if indeed the wind farm is of the scale that the French are intending, the infrastructure for cabling takes that electricity back into mainland France and for export into European markets.

[15:45]

But also, potentially, the other way through our interconnector links through other more conventional nuclear power production for electricity generated by the means in the other direction. So, by piggybacking on that particular scheme, and I think it is eminently feasible, and some of the figures that have been mooted, bearing in mind that the efficiency of the wind farms is exactly as

Deputy Baudains says, it is not particularly high, and you do have problems of intermittency of supply, you have to plug yourself in literally to a bigger grid system in order to offset those particular problems. So there is a huge advantage sitting on our doorstep and these engineers and other students from Exeter University have come forward and suggested that this is the best way forward. The payback time is of the order of 10 years, so that scotches a whole host of other arguments to suggest that wind farms are not a mature technology and automatically has to only take place if huge sums of taxpayer subsidies are pumped into them. That does not have to be the case but of course if we play our cards that way, it could be. Now, this is the real beauty, I think, of being in a position, as the Minister for Planning and Environment, at the early stage of this particular policy. There are a whole host of different ways of solving the problems but the key thing is to decide that we are going to all get together, put our heads together collectively, use the best minds and the best abilities across all of the political spectrum, and members of the public, to solve the problems in the best way that we can, and to make the savings and to feel good afterwards that we have done a good job and we have done our little bit to save the planet and to save ourselves. Deputy Le Hérissier made some points about ultimately, he suggested that our attitudes towards the consumer society were doomed, and I think he is probably right. But in agreeing with him I think we must be careful not to be seen to be openly agreeing with him too quickly, because that will upset all of the marketeers among us who have got big interests, if you like, in keeping the system going for as long as they can, ostensibly to look after their own material needs, and I think that really is at the heart of the issues that we have with a consumer society. It is all very well to have companies who are interested in making profits for the company but I think the world economy is going to have to change as people realise that on the back of finite resource problems we cannot just continue to allow one or 2 very large companies to rule the roost and dominate all of the trade to the extent that you will have haves or greater haves and greater have-nots. So I think he made a good point. The point I did not like, that he made, was that he said it would have been more convincing if the proposals that were being put forward today had been matched by actions. If he reads it, I mean, from the comments I made earlier, had we come forward with a whole load of actions we would have been here for another 3 weeks and I think we would not be almost in the position of agreeing to something, which is really big, in a convincing way. He also mentioned that he had read the report and it did not end up with a big bang and made some comments about not being scientifically literate. The big bang was all about the birth of the universe, so I see this report as the birth of the plan to action. So, no, the universe has been expanding or that is what the model suggests, but I have to start somewhere, and this is the start. It is a framework to set out which Ministers ostensibly are going to be in control, which Ministers are going to be directing the show, working with others and how we are going to all work together. So I think, with that small point, maybe we should have some talk about physics. Right, going back to the Deputy of St. Martin again, he pleased me today, massively. He said, somewhat in a contradictory fashion, that he was not sure how we were going to kind of deliver some of the things and then came forward at how surprised and how pleased he had been with the lifestyle changes that were being built into the St. Martin school. Right, well, he knows and I think he will not mind if I tell everybody, that it was this Minister for Planning and Environment who asked for all of those specific bells and whistles, in environmental terms, the P.V. (photo voltaic) cells on the roof, the rainwater harvesting and the attitudes that I felt had to be put into the agreement and consent that I gave for the St. Martin school to be built, in order to not only safeguard the future for education and for the Parish-type community that this school project was all about, but also to ensure that whatever was being built was balanced out in terms of the environmental improvements that could be made in the wider context. I am pleased that they have been appreciated. The comments that have been made by the Constable of St. Mary and, to a lesser extent by the Deputy of St. Mary as well, are the same type of thing. People have been suggesting that perhaps to put all of the eggs into the Minister for Planning and Environment's book, so to speak, or basket, sorry, was not the way forward and

perhaps the location of the organisational structure and the head of it should rest with the Chief Minister or some other Minister. I think because of the specific tensions between environmental issues and building issues, I think the best Minister placed is the Minister for Planning and Environment because most of the decisions that are undertaken in this Minister's name have to, in essence, balance off those 2 competing demands. It is not an easy job as people can appreciate, but nonetheless I think it makes the Minister for Planning and Environment best placed, I think, in order to lead the work, not to the extent that he is dictating what he or she thinks is best for everybody because of the way those persons live their own lives, but in a way that finds a consensus and a point of view that is able to be agreed on by all. That, in my mind, is true working together. The 40 per cent less cows in the future, I had thought at one stage that some record or statement was going to be made about the comment that I had made that I had picked up in some other journal, and I was sent a picture of a cow, it was a Friesian cow, with a large plastic sack on its back and it had a cannula up its rear end, and the suggestion from the journalist who was asking me to comment, as the Minister for Planning and Environment, was whether I thought that this was the way forward for our own Jersey cows. So, for those who did not read the comments, I said that this type of crazy idea should not automatically be dismissed. Really, in looking at who was putting it forward, it was one of the agricultural and environmental organisations in Argentina where they do have a substantial number of cattle, and Fray Bentos and all the rest of it is to the fore, and there is a whole host of environmental kind of detrimental stuff that goes on by stocking pastures with too many cattle, least of which, or maybe most of which, is what is produced by these glorified grass bags. So the suggestion was whether or not we should be doing the same thing for our Jersey cows. Well, no, absolutely not, but what I did take my hat off to in support was the fact that this article appeared in a business journal looking at clean tech or crazy kind of environmental possible businesses in a way that stimulated debate. It enabled people to sit down and with a crazy looking picture, say to themselves: "Well, what is this all about?" and start to address the real issues and to maybe have their consciences pricked to the extent that perhaps they would come up with an alternative that made more sense. So this is why I think people should not get too upset if the Minister for Planning and Environment, at times, comes forward with crazier ideas, or as crazy ideas, because, in essence, what is being done is exactly the same as that particular article. It is to try and encourage people, through the process of being stimulated by a crazy looking picture, to look beneath the surface and to say to themselves: "Right, okay, well, what is this all about? Can we find ways to solve this problem, if indeed it is a problem, and to find useful things to contribute?" Ultralow emission vehicles. I brought an article in today from *New Scientist* and there is an element of sense in moving forward to say that any community should be deciding on a particular kind of transport solution, but this is a very fast moving market and things are changing. We are in a period of the Earth's history and mankind's history where the pace of change is getting faster and faster. So I think, whereas in the past it may well have been a good idea to have jumped on the bandwagon and said: "Jersey is going to be the first person to back the telephone" or whatever. In this particular day and age, I think those decisions, if they are made too quickly, could end up in providing investment vehicles that would not deliver. There is an article in this week's *New Scientist*: "Why not?" It says: "An electric car with up to a 360 mile range." So it would obviously be useful for Jersey, and it is one of the new hybrid vehicles which have got a 50-mile electric only range, so you can go around the Island once and a bit, around the coastal road. What it does is it also has, this is a true hybrid, it has got a smaller ordinary petrol engine and the petrol engine generates electricity to make them more convenient to those persons who do not want to travel around the Island with an electric vehicle trailing a large wire to plug into electrical points that do not exist as yet. But this is a case of electric vehicles coming on to the market. They are obviously being supported by the fuel companies and by the car manufacturing companies, and at the moment, because they represent technological solutions that are at cutting edge, they are all very expensive. So we are being told: "These are only £25,000" and there is a little note with a

little dagger mark to say that the £25,000 mark is at participating retailers only. If you do a bit of background research you could probably add on another 50 per cent. So does it make sense for Jersey, little old Jersey, to be saying: “We are going to be solving these problems [which is absolutely right] in encouraging people to make more sensible choices in terms of their vehicles” by suggesting that perhaps we should come in and give everybody £15,000 off those particular cars in order to support that particular car manufacturer? Well, I might do if we had unlimited funds but we do not have unlimited funds and there are other spending priorities for the hospital, for our sewage works, for a whole stack of things that we are going to be discussing about at a later stage. So I am not saying at this point in time that this Minister for Planning and Environment is against the idea of government subsidies to specifically sponsor the take-up of a particular car manufactured by a particular company, I think it might well be an option that could be considered. But I do not think it should be put forward as a panacea or that it is going to solve all of our problems in that single way. The other interesting thing is that I do agree that perhaps Jersey could be up there trying to stimulate and encourage the take-up of these new vehicles, and indeed a number of months ago some of you may have attended, although not many did, when I encouraged a new car manufacturer to come to the Island to discuss whether or not there were opportunities for our entrepreneurs to get into cars that were run by compressed air.

[16:00]

A lot of people said that was a crazy idea but it certainly was not crazy to me and it certainly was not crazy to the French company who are dealing with it. But the real kind of interest in attracting people of that ilk to the Island is that there is a huge opportunity to get into environmental businesses, to stimulate extra jobs, to provide extra opportunities for our youngsters who, if they do get interested in scientific careers, can still find useful things of a scientific nature that can be done in the Island. The future is not going to be just financial services, I am sure, and our Minister for Economic Development is doing his best to try and diversify the economy. We have all said that green business and environmental business is something that is with us to stay. The final point on that compressed air; it was quite interesting to see that, in terms of storage facilities for the energy that is produced by wind farms, the storage of the energy is obviously an interesting point, and in the discussions and the review that was undertaken by the scientists from the University, they did put compressed air at the top of the list in terms of new storage devices that are just beginning to be spoken about, as the best way to store the energy. So I think there is a bright future there somewhere and I would hope that Jersey could be involved. Deputy Maçon gave me a number of questions about demand management; were we going to be overtly draconian in our policies. Well, obviously not, otherwise we are not going to get very many supporting. I do not support environmental dictatorship or any dictatorships really and I do not think we should, as far as possible, encourage the States to get into a situation where we turn around and we say: “Right, you can paint your house any colour as long as it is Magnolia.” **[Aside]** Yes. He said he was not a scientist and was clean energy being considered, it is. He was worried about fuel poverty, in particular for those in the middle. Well, that is one of our stated aims and targets, we are not just interested in the vulnerable and the unable to pay, we are interested in everybody because unless we move the argument out in terms of fuel poverty, you are not going to get the scale to tackle the problem in terms of affordability and doing what we could do in terms of reducing carbon emissions and whatever at a big enough level. So these things are started off with the vulnerable because they were the easiest category to start with, but it is a target to extend the work. How will the Minister for Planning and Environment lead the issues? Well, I think I have already explained that I think that the work is best led by the Minister for Planning and Environment because of the tensions between development and the environment. He did suggest perhaps the Minister for Treasury and Resources should be there leading the show, and I think, personally, if I had to make a comment, reducing everything to the financial bottom line and making all your decisions at that

level will automatically squeeze out most consideration on environmental grounds across the board, and that is definitely not the way to be dealing with it. He also made a point about the scenic beauty of coastal areas. Again, in this review by Exeter University, they did suggest, somewhat surprisingly for some of the Members at the presentation, that barrage style systems could be the next best thing. They did not do the obvious and turn the whole of St. Aubin's Bay into a barrage but if you were going to make money out of that business, that is probably the logical step that you would take. Instead they considered a number of coastal locations on the north and the northwest corner, just above where the Chief Minister lives, but he was not at the presentation, so he has got that to look at at a later stage. But they did show that, because of the high rise and fall of the tide, the storage system based on barrages did make particular sense for our local conditions, whereas some of the other tidal technologies that were being spoken about, did not, in particular because our tidal streams were not as great as those that run between Alderney and France.

**The Greffier of the States (in the Chair):**

Minister, sorry to interrupt you but I would just like to bring to Members' attention that in the Chamber Gallery there is a large visiting delegation of 9 ambassadors, together with their senior officials, from the Arab Ambassador's Council led by His Excellency the Ambassador of United Arab Emirates. I know the delegation is slightly pressed for time hence my interrupting you, Minister, but I am sure all Members would wish to welcome the delegation. **[Approbation]**

**Deputy R.C. Duhamel:**

Maybe it is opportune, or perhaps not, for me to talk about liquefied natural gas. **[Aside]** Maybe if I get a chance this evening. Deputy Tadier had some useful contributions to make and he started off by suggesting that if we wanted to reduce our energy consumption then staying in bed or starting your day later might be useful. But he makes a useful point. We do have a number of policies that are beginning to make inroads into other opportunities that could be useful in order to reduce our energy within transport systems. We do have the investment that is being made in our digital technology industry to enable video conferencing to take place, and that, in essence, will encourage home-working to a greater degree, even perhaps one day to the extent that we will have to reconsider what happens within our schools. Perhaps it might be possible, instead of contemplating the normal queues that we have around about 8.30 a.m. or 8.15 a.m. to 9.00 a.m. when the schoolchildren are all converging on St. Saviour to the area that their schools are in, it might be in a number of years' time that, with the introduction of digital technology, people will take part of their lessons at home and maybe only travel into school at times for the social subjects; playing football or playing sports or indeed for taking part in musical education or whatever, in a social sense. The world is changing massively and I think the point that Deputy Tadier was making was along those lines. Equally, I broke down that there were other opportunities for using different energy systems and human energy should not be frowned upon. We do have the substantial work that was undertaken by the inventor, Trevor Baylis, for his clockwork radio, and that is a case in point. He brought huge pleasure to numbers of members of the world who could not afford expensive batteries in poor states to be able to be educated and to listen to educational programmes being broadcast by the BBC and other notable organisations in a way that relied on their own human input to provide the power to drive the radio equipment. I am not suggesting though that we set up, as I saw at one international energy fair that I went to, a very large hamster wheel which was motivated and driven by humans, as perhaps used to happen at Newgate Prison. But the issues are there and they do sound crazy. I am even seeing things to the extent that in architectural fields public buildings are now considering not necessarily the old fashioned ways of heating them, but if you do have a substantial number of people arriving at those buildings then the heat content of each person and the amount of heat we generate just by being in the same places, this type of heating is being taken into account in order to offset the costs of running your building. Sounds daft but it is

a wise use of resources and if it means, by not doing that, that you have to expend useful sums of energy and large sums of money in cooling systems to take away the heat that these large crowds are producing, then the whole thing begins to make better sense. I thank Deputy Lewis for his support. It was a short support but support nonetheless. Other Members have referred to the fact that transport is one particular area within which we are going to have to make some very large changes. Deputy Southern suggested that perhaps everything lay in the introduction of Hoppa buses but I think we should really be thinking about going a little stage further. Many of the vehicles that are available at the moment are too heavy for the payload that they transport, so in energy efficiency terms, the pure efficiency terms, we are behaving like snails on skateboards, if you like, so we are carrying around really hefty shells which are really weighty compared to our own persons and expending large elements of energy on doing that. Fundamentally it does not really make a lot of sense but unfortunately we are being seduced by these larger and larger vehicles with all the comforts of sitting in your leather seat and listening to your radio or watching your ... you are not allowed to watch T.V. (television) but you have got head up displays and other things that are becoming available. Even down to driverless vehicles, I have heard, that are running from the new Heathrow Airport whereby you can be transported in a conventional type car with all the luxuries but you have got a computer driver. Maybe some of those things will happen in Jersey. This is the start of a 50-year programme, it is going to extend into the future. I think, personally, there may well be an opportunity to reconsider opportunities for mass transport systems, particularly as the cost of doing so becomes more intelligent and cheaper. I would not put anything out of mind or anything particularly in mind at this stage. This is what the policy is all about. One or 2 more points; Deputy Baudains made his usual contributions about whether or not he is a climate change denier or not and really it does not matter whether he is or he is not because this policy is about the wise use of resources and the optimisation of our transportation systems and other energy use systems in order to do whatever is best; in economic terms, in social terms and in environmental terms. If we can do that, I mean nature generally sorts things out properly and you do not normally see a whole load of wasteful things happening in natural systems. What tends to happen is that the so-called waste produced by one set of organisms is used as an input or resource by another organism. So nothing is wasted. But with humans, unfortunately, we have got ourselves into a situation where we are happy not to ask the question or to be directed by ordinary evolutionary processes which will automatically optimise the situations in the best way, after a long enough time, and we are in the slap-happy phase of just thinking that it makes economic sense to waste resources - it does not unless you are rich, and even then it does not. I am reminded of the advert; there is good bacteria and bad bacteria for a certain brand of yoghurt and this is the same type of thing. There is good use of resources and bad use of resources and we really should be getting our act together.

**Deputy R.G. Le Hérissier:**

Is the Minister going to finish soon? The reason is I have got a question in clarification and I am wondering whether to pose it now or to wait. **[Laughter]**

**Deputy R.C. Duhamel:**

I think if Deputy Le Hérissier would like to ask his clarification, I will use that and there may be enough to stop me in my tracks and finish. **[Approbation]**

[16:15]

**Deputy R.G. Le Hérissier:**

It is a matter of detail and I have to take away from the Minister's more broad-based stuff. I think a Member asked why there was not approval given to solar panels on housing by the Minister in his other role. Could he explain that?

**Deputy R.C. Duhamel:**

I think this Minister certainly does encourage solar panels and indeed it is up to a point an exempt development providing it is not too large. So I think, all in all, we do have the Minister for Planning and Environment and the Planning and Environment Department moving in the right direction to encourage the take-up of micro renewables which in their own way will allow people to be profligate if they so wish, having made an investment in equipment that carries with it a lower carbon footprint. I have got no problems, for example, if people, if they wish to, leave their electrical devices on overnight. In the old-fashioned days, and I am certainly old enough to remember it, we used to wait for the little dot that used to appear on the TV screen when you switched it off after we had all stood up for the National Anthem to say good night to the Queen. But if we do wish to leave our electrical machinery on overnight, in a way that is wasteful, I think providing the energy is being generated in a way that does make better sense than just perhaps using finite resources, burning coal, or whatever, and using indiscriminately, I think that is the general choice of direction that individuals should be encouraged to move in. Yes, anything we can do, not just with P.V. cells but exactly the same point applies to solar thermal panels. At the moment a lot of the electricity that is produced from nuclear power is generated from those sources, comes to the Island and then is used to run heating systems. What a crazy waste of fuel, particularly if we are in an Island which slopes generally north to south and your roofs are ideally placed to take solar panels in order to at least provide you with two-thirds of the heat input to your boiler or your heating systems. Going back to Deputy Maçon's point, the policies there are going to try and encourage ...

**The Greffier of the States (in the Chair):**

I understood you were ...

**Deputy R.C. Duhamel:**

Yes, I am carrying on with my speech, it is relevant.

**The Greffier of the States (in the Chair):**

When I let you take the point of clarification I thought it was on the basis of opinion. **[Laughter]**

**Deputy R.C. Duhamel:**

It was on the basis that that might be enough to finish, and I am almost finished. You have put me off my stride now.

**The Greffier of the States (in the Chair):**

I think many of your colleagues feel that perhaps this time...

**Deputy R.C. Duhamel:**

I think generally, yes, that is right, it is about draconian actions. There is no way that any Minister in any Jersey Government is going to be able to force his ideas through and should not be encouraged to do so. What we need to be doing, as I mentioned earlier, is working together, finding novel ways and sensible ways and creative ways to do things in a better fashion and working together is the key to it. With that, I think I have probably covered most people's comments.

**The Connétable of St. John:**

A point of clarification, if I may? The Minister mentioned that he would not mention gas while people were in the gallery. Will he now cover that area, please?

**Deputy R.C. Duhamel:**

Yes, the interesting thing within the Energy Report is there were suggestions by a previous Member of the House - that was Deputy Paul Le Claire - that perhaps the Island would be better served in the medium-term future in acquiring a pipeline link to France in order to import gas. Since then there has been a hefty investment on behalf of the U.K. Government over the last 10 years, in terms of shipping facilities at Milford Haven in Wales, to the extent that deals have been done with the Qatari Government to be supplied for 25 years, I think it is, in the U.K. with liquefied natural gas which otherwise was just flared off and did not do anything useful. There is an opportunity perhaps to consider, if indeed it is a sensible move forward, in trying to revitalise the area down at La Collette, the opportunity to move our fuel farm. The fuel farm will not be moved unless there is a good incentive to do it and it might well be that after the difficulties that we had with the gas company in Tunnel Street that perhaps the importation of liquefied natural gas with a shorter pipeline, which need not be more than a terminal of La Collette, might be one of the inducements to encourage a better use of the La Collette area than we have at the moment. We do have officials from the Arab nations over here. They do have the resources and they are interested in selling islands and countries those resources. It may well be, if I am invited, or if I am not, that there are sensible discussions that perhaps could be undertaken again to perhaps piggyback off the situation that has been organised to satisfy the medium-term energy needs of the U.K. in that particular fashion. But that is just an idea at the moment. All right, with that I would like to thank everybody who has contributed. I apologise if I have not answered all your questions but I am sure you will not let me off the hook and knobble me afterwards and you can have your own private viewing, if you like. With those comments, I wholly endorse the plan and look forward, if indeed it is supported by this whole Assembly, to working with, not only with other Ministers that have been named, but all Members who have expressed an interest to work together in this particularly important area, for as long as I am in the job and into the future. I make the proposition.

**Deputy J.H. Young:**

Can I seek clarification? When I spoke on behalf of the panel, we raised a question about the action plan, the Next Steps. The Minister did not cover that in his speech as what we would see as the Next Steps in the next 12 months.

**Deputy R.C. Duhamel:**

Briefly, that is absolutely right, but what has been said and agreed to was that the Minister has agreed that he is happy to be scrutinised by the Scrutiny Panel and be chivvied(?) along to ensure that we are all working together in the ways that we have agreed to work together. But before we can do that we have to agree to work together and that is the start of the process that I am looking for now.

**The Greffier of the States (in the Chair):**

Do you wish the appel, Minister?

**Deputy G.C.L. Baudains:**

Could I seek guidance from you? Are we voting on the preamble or are we voting on the proposition because when we come to the proposition I can support all of it except (a)(1), so I would like it taken separately when we get there?

**The Greffier of the States (in the Chair):**

I think the plan that hangs together is one action plan, is it, Minister? I assume we are taking it all together. I do not think we can start splitting it up because it is...

**Deputy R.C. Duhamel:**

I am in the Members' hands. I would be happy to take it in parts if indeed some Members would request me to do so.

**The Greffier of the States (in the Chair):**

They are your policies that form one plan, so if Members were to approve one policy and not the others it would seem curious. But...

**Deputy R.C. Duhamel:**

Could I then ask Deputy Baudains which particular policy generally he does not like under (a)?

**Deputy G.C.L. Baudains:**

It is (a)(1), the Demand Management. I have difficulty with the Minister developing and implementing it.

**Deputy R.C. Duhamel:**

I think then the normal Standing Order rule is that if a Member wishes to have something taken separately he can do. I propose then (a)(1) to be taken separately and then everything else is the second vote.

**The Greffier of the States (in the Chair):**

I think the rule only applies to the legislation, Minister. It is normally your prerogative, but if you wish to proceed in that way I think it would make sense. The first vote will be on (a)(1) Demand Management, and the Greffier will open the voting.

<b>POUR: 36</b>		<b>CONTRE: 1</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier		Deputy G.C.L. Baudains (C)		
Senator A. Breckon				
Senator B.I. Le Marquand				
Senator F.du H. Le Gresley				
Senator I.J. Gorst				
Senator L.J. Farnham				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. John				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of Grouville				
Deputy R.C. Duhamel (S)				
Deputy R.G. Le Hérisier (S)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				
Deputy of St. John				

Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Mary				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy R.J. Rondel (H)				
Deputy N.B. Le Cornu (H)				
Deputy S.Y. Mézec (H)				

**The Greffier of the States (in the Chair):**

Very well, I ask the Greffier to reset the voting system and the Assembly will vote on the remainder of the proposition. I ask the Greffier to open the voting.

<b>POUR: 37</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier				
Senator A. Breckon				
Senator B.I. Le Marquand				
Senator F.du H. Le Gresley				
Senator I.J. Gorst				
Senator L.J. Farnham				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. John				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of Grouville				
Deputy R.C. Duhamel (S)				
Deputy R.G. Le Hérisier (S)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				
Deputy G.C.L. Baudains (C)				
Deputy of St. John				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Mary				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy R.J. Rondel (H)				
Deputy N.B. Le Cornu (H)				
Deputy S.Y. Mézec (H)				

**Deputy R.C. Duhamel:**

I would like to thank Members for their support.

**The Greffier of the States (in the Chair):**

The next item is the Waste Water Strategy. Are Members content to...

**The Deputy of St. Ouen:**

I would like to make some comments before we start discussing the liquid waste strategy.

**The Greffier of the States (in the Chair):**

What type of comments do you wish to make; on the arrangement of business?

**The Deputy of St. Ouen:**

With regards to the time, we are expected to be at an event tonight. We will be required to finish at 5.30 p.m. and I do not think it gives justice to either the Minister for Treasury and Resources or to the strategy to try and squeeze a significant policy and debate within an hour period, especially when there are still other business on the agenda that could be dealt with today and at least then it would allow us to deal with the liquid waste strategy as the first item of business on the 3rd.

**The Greffier of the States (in the Chair):**

Are you making a proposal...

**The Deputy of St. Ouen:**

I would like to make a proposition if that is possible.

**The Greffier of the States (in the Chair):**

... that the Waste Water Strategy is deferred until the start of the next meeting? Is that proposition seconded? **[Seconded]** Does anyone wish to speak? Do you have any comments on that, Minister?

**Deputy K.C. Lewis:**

I am in Members' hands. Yes, we have just about an hour. Yes, I would be content to move it to 3rd June. If it could be taken as the first item of business, please.

**The Greffier of the States (in the Chair):**

Very well. Are Members content to take the Waste Water Strategy as the first item of business at the next sitting? Very well, that item is deferred. Do Members, therefore, wish to carry on with the remaining 2 items?

**4. Public Employees Contributory Retirement Scheme: appointment of Chairman (P.48/2014)**

**The Greffier of the States (in the Chair):**

Very well, the Assistant Minister for Treasury and Resources is briefed. We will ask the Greffier to read the proposition relating to the appointment of the Chairman of the Committee of Management.

**The Deputy Greffier of the States:**

The States are asked to decide whether they are of opinion in accordance with Regulation 3 of the Public Employees (Contributory Retirement Scheme) (General) (Jersey) Regulations 1989 – to appoint Mr. Gordon Pollock as Chairman of the Public Employees Contributory Retirement

Scheme, with effect from 1st July 2014 to 30th June 2019, that date being 5 years from the date of his initial appointment as Chairman, as agreed by the members of the P.E.C.R.S. (Public Employees Contributory Retirement Scheme) Committee of Management.

**The Greffier of the States (in the Chair):**

Assistant Minister, are you presenting this item?

**4.1 Deputy E.J. Noel (Assistant Minister for Treasury and Resources - rapporteur):**

I am. The current Chairman of both P.E.C.R.S. Committee of Management and the Management Board of the Jersey Teachers' Fund, Mr. Ron Amy OBE has decided to step down at the end of June 2014. The States are asked to approve the appointment of his successor Mr. Gordon Pollock as Chairman of P.E.C.R.S...

**The Greffier of the States (in the Chair):**

We are inquorate again, Assistant Minister. If we can summon one Member from the ...

**Deputy E.J. Noel:**

In light of the fact we are inquorate, can I propose the adjournment?

**The Greffier of the States (in the Chair):**

We are now quorate. Very well, Assistant Minister.

**Deputy E.J. Noel:**

The States are asked to approve the appointment of his successor Mr. Gordon Pollock as Chairman of P.E.C.R.S. Committee of Management and for an initial 5-year term commencing on 1st July 2014. The search for a new chairman was performed locally by Thomas & Dessain and by a specialist company called Trust Associates in the U.K. There were a large number of candidates, 7 recommended by Thomas & Dessain and 7 by Trust Associates. The selection panel, including representatives from both schemes, management boards and the Treasury, was chaired by the Appointments Commission. They reviewed the applications and a short list of 6 candidates was selected for interview. Interviews were conducted over a 2-day period. All the candidates were of extremely high calibre and presented the panel with a difficult choice. The decision to recommend the appointment of Mr. Gordon Pollock as Chairman of the Board was unanimous. The Chairman of the P.E.C.R.S. Committee of Management is appointed by the States on the recommendation of the Minister for Treasury and Resources. The recommendation must be supported by a majority of the employee representatives and a majority of the member representatives of the Committee of Management. The process is slightly different for the J.T.S.F. (Jersey Teachers' Superannuation Fund) Board whereby the chairman is recommended to the Chief Minister by the Minister for Treasury and Resources. This recommendation also requires the support of at least 3 of the employer nominated members of the J.T.S.F., Management Board and 3 of the member-nominated members. I am pleased to confirm that the support for the appointment of Mr. Pollock was unanimous from both boards.

[16:30]

The term of appointment and the remuneration is dealt with separately by both pension boards. The fee paid to the Chairman is decided by a simple majority of the board and members of each scheme. For P.E.C.R.S. it is £50,000 per annum for which the Chairman is committed to around 24 days per year, and for the J.T.S.F. the remuneration is £35,000, around 16 days of work per year. The remuneration which reflects the fee levels of the U.K. market for the chairman of trustee boards of major pension schemes and is not for a fixed number of days. In addition to the regular scheduled meetings throughout the year and the necessary preparations for them, the Chairman is expected to

be available to deal with scheme matters as required in between meetings, for example, to consult with and give guidance to the schemes' advisers as necessary. The initial term for the appointment for each scheme is 5 years. Annual costs for the Chairman are paid as appropriate from each fund and not by the taxpayer. Having one Chairman serving both schemes allows for economies of scale in relation to the schedules of meetings and expenses and some administration costs. Before I commend this appointment to the States, on behalf of the Chief Minister and the Minister for Treasury and Resources and myself, I would like to thank Mr. Amy for the many years of service he has given to both schemes. **[Approbation]** I commend this appointment to the States.

**The Greffier of the States (in the Chair):**

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? All those in favour of adopting the proposition, kindly show. The appel is called for on the proposition of the Minister. If Members are in their seats, the Greffier will open the voting.

<b>POUR: 29</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator A. Breckon				
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
Senator I.J. Gorst				
Senator L.J. Farnham				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. John				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of Grouville				
Deputy R.C. Duhamel (S)				
Deputy R.G. Le Hérisier (S)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				
Deputy G.C.L. Baudains (C)				
Deputy of St. John				
Deputy J.H. Young (B)				
Deputy of St. Mary				
Deputy R.G. Bryans (H)				
Deputy R.J. Rondel (H)				
Deputy N.B. Le Cornu (H)				

The Deputy of St. Ouen, you did indicate you wished to propose the adjournment but you are content not to pursue your proposition? You did allude to proposing an adjournment but you do not wish to pursue that at the moment? Very well.

**5. Draft Amendment (No. 23) of the Standing Orders of the States of Jersey (P.49/2014)**

**The Greffier of the States (in the Chair):**

Members, therefore, are content to continue with the next item of the Draft Amendment (No. 23) of the Standing Orders. I ask the Greffier to read the citation.

**The Deputy Greffier of the States:**

Draft Amendment (No. 23) of the Standing Orders of the States of Jersey 201-. The States in pursuance of Article 48 of the States of Jersey Law 2005 have made the following amendments to the Standing orders of the States of Jersey.

**The Greffier of the States (in the Chair):**

Chairman, do Standing Orders need to be presented individually or you could present them in groups? I do not know how you wish to proceed.

**5.1 Deputy J.M. Maçon (Chairman, Privileges and Procedures Committee):**

If I outlay the method as I go along, I think perhaps they are separate, apart from perhaps 1 and 2 that are taken separately.

**The Greffier of the States (in the Chair):**

You formally propose Standing Order 1?

**Deputy J.M. Maçon:**

Yes. If I can take 1 and 2 together. Standing Order 1 is the usual technical provision that makes it clear that these amendments amend Standing Orders and I will try and keep my speech as brief as possible. I am sure Members will have done the reading. Standing Order 2 comes out of the recommendation of the Public Election Sub-Committee that reviewed the restrictions that should be placed on States business during the election period. This Standing Order extends to current restrictions that the States cannot meet during the 21 days preceding a single election day and we are asking that that should include the lodging of propositions with the cover that if there is a matter of urgency or public importance and that in these cases the Bailiff is able to allow a proposition to be lodged, therefore, allow the required lodgement period to begin. I propose that amendment.

**The Greffier of the States (in the Chair):**

Are Standing Orders 1 and 2 seconded? **[Seconded]** Does anyone wish to speak on the Standing Order 1 or 2? Senator Le Marquand?

**5.1.1 Senator B.I. Le Marquand:**

I do not object to this, but I think that Members will want to understand the effect this will have in relation to outgoing Ministers, like myself, who will continue to work, as it were, almost to the bitter end, trying to lodge propositions which we have been working on for some time in order to assist an incoming future Minister. The fact that these days will taken out for lodging will mean that the work that is being done will lead to things being lodged after the election and before Ministers cease to hold office. I just mention this because there are those who take the view that that should not happen. But, in fact, to take out this period and then say you should not be lodging in a period after an election until you cease to be a Minister would mean I might as well cease to operate altogether and cease trying to do things a month or so before the end of my period of office. I do object to this and I understand the reasons for it, but Members must understand that as a result of that Ministers who are outgoing will be lodging things after the election.

**5.1.2 Deputy R.G. Le Hérissier:**

Very quickly, as the person who did promote this, I do not see any problem because it would look very strange if a Minister had a whole lot of issues right up to the date. How could you prohibit a Minister who was seeking to continue as opposed to one ... that person may well move a whole raft

of propositions on: “I wish to not have G.S.T. on food. I wish to give free handouts.” Very uncharacteristically, there may not be this kind of Minister but all of a sudden: “I wish to give free handouts to people. I wish to remove fees on prescriptions.” All sorts of things could happen.

### 5.1.3 Deputy J.H. Young:

Speaking following the previous speaker, absolutely, this is obviously designed to ensure that the standing Members who are standing for election are not able to use this, whether they are Ministers or not, to support their election. The only thing I would like clarification on is, and maybe the Chairman of P.P.C. might cover it because my knowledge is not good enough. Responding to the point that the Deputy Chief Minister has spoken of, are Ministers able to lodge the kind of work in progress for the recess period, through August right up to the date of this to get this backlog dumped?

### The Greffier of the States (in the Chair):

Does any Member wish to speak? I call on the Chairman to reply.

### 5.1.4 Deputy J.M. Maçon:

I thank those that have spoken. I think the one I need to respond to is Deputy Young and at the moment, yes, Ministers can lodge something in the middle of August. Any Member can still do that for debate in September, which is still outside of the election period. This does not change that; it did not come through in our review and so I stand by the amendments and propose.

### The Greffier of the States (in the Chair):

Those Members in favour of adopting the amendments ... the appel is called for. I assume Members do not wish to have an appel on Standing Order 1 so I will ask those Members in favour of adopting Standing Order 1 kindly show. Against? Standing Order 1 is adopted. The appel is called for on Standing Order 2 and if Members are in their seats the Greffier will open the voting.

<b>POUR: 27</b>		<b>CONTRE: 3</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier		Senator A. Breckon		
Senator B.I. Le Marquand		Connétable of St. John		
Senator F.du H. Le Gresley		Deputy G.P. Southern (H)		
Senator I.J. Gorst				
Connétable of Trinity				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of Grouville				
Deputy R.C. Duhamel (S)				
Deputy R.G. Le Hérisssier (S)				
Deputy of St. Ouen				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy T.A. Vallois (S)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				
Deputy G.C.L. Baudains (C)				
Deputy of St. John				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Mary				

Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy R.J. Rondel (H)				
Deputy N.B. Le Cornu (H)				

**The Greffier of the States (in the Chair):**

Do you propose Standing Order 3, Chairman?

**5.2 Deputy J.M. Maçon:**

Yes. Standing Order 3 comes out of the Standing Order Sub-Committee and, as explained in the report, it has asked for greater clarification from Members when they are putting together a report and proposition, as detailed in the report, and I propose the amendment.

**The Greffier of the States (in the Chair):**

Is Amendment 3 seconded? **[Seconded]** Does any Member wish to speak on Amendment 3? Senator Breckon?

**5.2.1 Senator A. Breckon:**

I wonder if the Chairman can explain when he responds to this how an individual Member is supposed to do this. If, say, it is a Committee of Inquiry, for example, how do you know exactly where they are going to go, who they will call, what the expenses will be? I would respectfully suggest to the Chairman if I was asked to put comments I would put: “I have just had a guess” because I am not sure at all how you can get the information. I just do not know. Where P.P.C. have got this from is beyond me because it is asking an individual Member to put a cost to something that they are doing and it is just not possible to do it. It is not possible to do.

**5.2.2 The Deputy of St. Ouen:**

I would like to echo Senator Breckon’s comments but, equally, ask the Chairman to explain whether or not this particular amendment applies to the Ministers, Assistant Ministers or the Council of Ministers who also produce and present and lodge propositions in their names.

**5.2.3 Deputy G.P. Southern:**

Like the previous amendment, I believe this restricts the ability of the Back-Bencher to act properly in the interests of his constituents and I too, in this case, are minded to vote against it.

**5.2.4 Deputy J.H. Young:**

Having myself had the difficulty of trying to get information from a department on the cost of the proposition and found being told: “Well, we simply do not know” I would like to just have it confirmed that if that situation arises a Member is able to put a figure forward and comply with this Standing Order by saying: “This is their best estimate because the department has not got that information and they used their own evaluation.” I would like to have that confirmed before we approve that because, to me, if that is possible and a Member can give, effectively, that declaration, I am content.

**5.2.5 Senator B.I. Le Marquand:**

I am not sure there is some confusion here because I am comparing it with the existing Standing Order and (b)(2) is already there. There is no change to (b)(2); the change is to (b)(1). Whereas at the moment the proposer has to set out their estimate of those implications, all they are being asked to do additionally is sort of to say how they have calculated their estimate of those implications, that is all that this change is. It does not change the requirement how, when, or where, in the proposer’s opinion, they could be sourced because that is already in the Standing order.

**The Greffier of the States (in the Chair):**

Does anyone wish to speak? I call on the Chairman to reply.

**5.2.6 Deputy J.M. Maçon:**

I thank the member of P.P.C. for clarifying that matter for me. To answer the Deputy of St. Ouen's question would this apply to all Members, including Ministers: yes, it would in the propositions that they bring. Again, what we are asking is to suggest how the proposer has calculated their estimates, *et cetera*, and that can simply be saying: "This is the information that I have been provided from the department" or however Members usually calculate those particular things. It is just asking to show some reasoning behind the financial implication and where that came from, not to simply say: "I think it would be this much" but not knowing why Members have come to that conclusion and that is simply what this Standing Order is asking them to provide.

**The Greffier of the States (in the Chair):**

All those in favour of adopting Standing Order 3, kindly ... the appel is called for on Standing Order 3. If Members are in their seats, the Greffier will open the voting.

<b>POUR: 26</b>		<b>CONTRE: 6</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier		Senator A. Breckon		
Senator B.I. Le Marquand		Connétable of St. Mary		
Senator F.du H. Le Gresley		Connétable of St. John		
Senator I.J. Gorst		Deputy G.P. Southern (H)		
Connétable of Trinity		Deputy T.A. Vallois (S)		
Connétable of St. Ouen		Deputy M.R. Higgins (H)		
Connétable of St. Brelade				
Connétable of Grouville				
Deputy R.C. Duhamel (S)				
Deputy R.G. Le Hérisier (S)				
Deputy of St. Ouen				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy E.J. Noel (L)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				
Deputy G.C.L. Baudains (C)				
Deputy of St. John				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Mary				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy R.J. Rondel (H)				
Deputy N.B. Le Cornu (H)				

**The Greffier of the States (in the Chair):**

We come now to Standing Order 4 to which there is an amendment. I firstly ask you to propose it, Chairman.

**5.3 Deputy J.M. Maçon:**

This Standing Order introduces a new requirement in relation to the votes of censure. The first part is that a proposition for a vote must be signed by 3 other Members in addition to the proposer. A vote of censure is a serious matter and P.P.C. thinks it is right to bring it into line with the requirement for additional signatures that currently exist for the vote of no confidence. The second part of this amendment is subject to an amendment by Deputy Baudains that we will discuss shortly. I will, therefore, explain why P.P.C. believes that the second change is needed. In the last 4 years there have been 2 votes of censure in Ministers relating to the way in which they have undertaken their Ministerial duties. After discussion, P.P.C. does not think that this was appropriate as in practice it is very clear that a Minister who has lost a vote of censure would feel duty-bound to resign and the vote is, therefore, not, as some would have suggested, simply a warning and a lesser option than a vote of no confidence is. This amendment clarifies that position by making it clear that the censure must be for a matter of behaviour and not for the manner in which an office holder has undertaken his or her duties. Thank you, and I propose.

[16:45]

**The Greffier of the States (in the Chair):**

Is the Standing Order seconded? [**Seconded**]

**5.4 Draft Amendment (No. 23) of the Standing Orders of the States of Jersey (P.49/2014): amendment (P.49/2014 Amd.)**

**The Greffier of the States (in the Chair):**

There is an amendment in the name of Deputy Baudains and I will ask the Greffier to read the amendment.

**The Deputy Greffier of the States:**

Article 4 - (1) In the heading to the inserted Standing Order 21B, delete the words “and restriction upon”. (2) In the inserted Standing Order 21B delete - (a), the paragraph number “(1)”, (b) paragraph (2).

**The Greffier of the States (in the Chair):**

It in some way deletes paragraph (2).

**5.4.1 Deputy G.C.L. Baudains:**

Just the wording of the amendment might look slightly confusing; in fact I have to admit it confused me when it first came back to me. But I can advise Members that, in fact, the effect is very simple, what it does is enable a censure motion to be used as it currently is. Hopefully, Members will have read the report accompanying this amendment so I am not going to go into a lot of detail. This, in my view, is all about accountability. In recent times, especially in this sitting, we have seen more power transferred from the Assembly to the Executive. Clearly we need tools to hold Executive to account and without my amendment all we have got is the nuclear option of a no confidence vote. Under the previous committee system votes of no confidence were rare but usually fairly close or sometimes fairly close when it came to the vote when they were brought. But under our Ministerial system, it is a whole new ball game. In my view, things would have to be almost unimaginably serious for that to be successful and especially now there is collective responsibility which involves Assistant Ministers as well. What would happen in the case of the Chief Minister? A vote of no confidence would bring down the full Council so I cannot imagine how bad things would have to be before that option would be exercised. In reality, that means this Assembly would soldier on, no matter how badly the Executive was serving the public, until the next election, and that cannot be responsible government, which in my view is why we need the ability to express our displeasure, short of removing a person from office. I look upon a censure

motion as a wake-up call, a message that the Minister concerned must do better. If the Privileges and Procedures Committee believe otherwise then I would suggest that they redefine “censure” so it does fulfil that role otherwise this Assembly simply does not have sufficient tools in its armoury to do its job properly of holding the Executive to account. I propose the amendment and I will answer any questions as best I can.

**The Greffier of the States (in the Chair):**

Is the amendment seconded? [**Seconded**] Does anyone wish to speak on the amendment? Deputy Vallois.

**5.4.2 Deputy T.A. Vallois of St. Saviour:**

I support Deputy Baudains with this amendment and the reason why I do so is because, if Members remember, a few days ago we agreed to an amendment I put to the States of Jersey Law with regards to a code of practice for Ministers and that is about the way that they conduct their work or practice within their roles. If we were to go down the route of P.P.C. we would technically negate our ability to hold that code of practice with any form of teeth to the Council of Ministers because at the moment there is no code of practice. Like I said, under that amendment that I put into the machinery of government discussions that we had, was that in order to have the code of practice in place it would clearly set out how Ministers are expected to carry out their work and, therefore, this Assembly would be able to hold them to account if they should not carry out their work in that particular way and have no sufficient or clear reasonable reason for doing so. By putting in something like this into Standing Orders, it was pointless bringing in the code of practice. At the moment we do not have a code of practice so anyone that brings a vote of censure it is automatically seen as a personality issue between a Member and another Member, hence the reason why I brought in a code of practice amendment. That is why I am supporting Deputy Baudains with the removal of paragraph (2) because I just think it is a step too far.

**5.4.3 Deputy G.P. Southern:**

I could not be more supportive of Deputy Baudains in bringing this amendment. Yet again this is a restriction on the powers of this Assembly, a completely unnecessary restriction, I believe. It talks about only having a motion of censure in terms of behaviour. But to quote another area, for example, a Minister chooses to ignore a Complaints Board finding against him. That is becoming quite common and the motion of no confidence I do not think is the appropriate response to that, a motion of censure certainly is on this particular instance. That is not about behaviour, it is about the way in which a decision has been made, the making of a decision to ignore the findings of a Complaints Board, which is a serious matter indeed, which may well be totally unjustified and worthy of censure. Again, I sometimes wonder what this particular body has been doing. It seems that we are daydreaming into cutting our own powers and that is totally and utterly irresponsible, I think, because our prime duty is to hold Ministers to account. If that means a motion of censure then so be it.

**5.4.4 The Connétable of St. John:**

I am 100 per cent behind Deputy Baudains on this. I have to repeat what the previous speaker said. Where have P.P.C. been? I am looking around the Chamber here and I see a number of them missing but where have they been to have allowed this to come through in the format they have? Thank goodness that another Back-Bencher has picked it up and brought it to our attention because I expect more, Chairman, from your committee to have fair play across this Chamber, not have it being manipulated from the C.O.M. (Council of Ministers).

**5.4.5 Deputy M.R. Higgins:**

It will be very brief because the comments that have been made by the previous speakers cover virtually everything. I do think in the previous week's debate we were talking about the erosion of powers of the Assembly. Members are reluctant to use the nuclear option or to support a nuclear option and a motion of no confidence in the Minister. There has to be an intermediate stage. There has got to be something to fire a shot across the bows of the Minister or even the Council of Ministers and to take this away just emasculates this House even further. I would urge Members to support Deputy Baudains on this particular one.

**5.4.6 Deputy J.H. Young:**

Just to say as a member of the P.P.C., in view of Deputy Vallois' comments, I do think this part (2)(b) of the unamended version, if we do not approve Deputy Baudains' amendment, raises an important question there. I would like the Chairman to look at that because when we approved this amendment it was prior to the P.33 decision on the code of conduct. I would like to be sure that the amendment as drafted stands and has no adverse consequences upon what Deputy Vallois referred to on this code of conduct point.

**5.4.7 Deputy J.M. Maçon:**

Yes, sorry, we were talking about the amendment here. Yes, just to explain the rationale as to why this came on. We had a lot of discussion around the reasons around the censure motion. P.P.C. was asked by several Members to look at how it operated, which is why we have come forward in 2 parts, the first part to ask more Members to sign up to a vote of censure as it currently stands, but I appreciate we are not amending that. There was a discussion around what a motion of censure was, what it was about and P.P.C. felt very strongly that if it was a matter whereby the States were of the opinion that a Minister was performing so badly in his Ministerial duty that it was decided to censure them for that, then how could they possibly stay on as Minister. We decided to split the role and therefore just to confine it to personal matters. If the Assembly does not agree this is not going to be a loss for my committee, it is entirely up to Members to feel what they like. I just wanted to explain the reasoning as to why we are proposing it as such, but it is entirely up to Members what they feel is the right way to go and if they feel that a motion of censure should still apply to the behaviour of a Minister or any Member carrying out a function that they have been left to do in the States Assembly, then it is not a loss to my committee, it is entirely up to Members.

**The Greffier of the States (in the Chair):**

Does anyone else wish to speak? I call on Deputy Baudains to reply.

**5.4.8 Deputy G.C.L. Baudains:**

I thank those Members who have spoken. I think probably Deputy Higgins summed it all up the best where Members are reluctant to use the nuclear option, one can understand that. As he said, we need to be able to fire a shot across the bows, I think was the phrase. We do need a middle way or a less severe way, as I said in my opening speech, the ability to give, if you like, a Minister a warning and say: "You really must pull your socks up" but not wanting him to leave office. There would be no inference that the person would then have to resign. I just conclude by saying that what I do suggest is that P.P.C. should properly redefine censure so that that sort of issue is made clear. I ask for the appel, Sir.

**The Greffier of the States (in the Chair):**

The appel is called for in the amendment of Deputy Baudains. If members are in their seats, I will ask the Greffier to open the voting.

<b>POUR: 28</b>		<b>CONTRE: 4</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier		Senator P.F.C. Ozouf		

Senator A. Breckon		Senator B.I. Le Marquand		
Senator F. du H. Le Gresley		Deputy K.C. Lewis (S)		
Senator I.J. Gorst		Deputy J.M. Maçon (S)		
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. John				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of Grouville				
Deputy R.C. Duhamel (S)				
Deputy R.G. Le Hérisier (S)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy M. Tadier (B)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy G.C.L. Baudains (C)				
Deputy of St. John				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Mary				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy N.B. Le Cornu (H)				

**The Greffier of the States (in the Chair):**

Very well. Does any other Member wish to speak on amendment 4 in its amended form? If not, all those Members in favour of adopting amendment 4, kindly show. Any against? It is adopted. Do you propose amendment 5, Chairman?

**5.5 Draft Amendment (No. 23) of the Standing Orders of the States of Jersey (P.49/2014) – as amended**

**5.5.1 Deputy J.M. Maçon:**

This Standing Order makes 2 changes in relation to lodging periods. The first is to introduce a 2-week lodging period for propositions to annul an order or to challenge a property transaction. The making of orders and decisions on property matters are matters which are dealt with by Ministers but must be reported to the Assembly. They are only occasionally challenged through the lodging of propositions but when they are, it can be a cause of unnecessary delay to have to wait the normal 4 weeks lodging period and this change will ensure that the matter can be addressed by the Assembly more swiftly. The second change relates to the test required to reduce lodging periods. The current test that the matter must be of such urgency and importance that it would be prejudicial to Jersey to delay its debate has been criticised on a number of occasions as an unnecessarily high test and there has also been occasions when the States have agreed to reduce lodging periods, both for Back-Benchers and Ministers, without the test really being met. This amendment will change the test by requiring the States to consider whether it is in the public interest to reduce a lodging period and I propose the amendments.

**The Greffier of the States (in the Chair):**

Is amendment 5 seconded? **[Seconded]** Does any Member wish to speak? The Deputy of St. Ouen.

### **5.5.2 The Deputy of St. Ouen:**

I do not support this amendment and I do not believe other States Members should either for the simple reason that we have a proper managed process to determine a period of time when propositions are lodged to when they are debated and there is good reason for that. What we do not currently provide within Standing Orders is the time allowed for the Scrutiny Reports to be considered before a debate and Ministerial responses to be provided before the debate. **[Approbation]** That is a much bigger issue which will need to be addressed. However, I think it is very, very dangerous to allow the change to our lodging period to be based on the opinion that it is in the public interest to do so because I suggest that every item we debate in the States is of public interest. How on earth is the President of the States or States Members supposed to determine and manage that? I think that we need to hold Ministers and Members who bring propositions to account. They are well aware of the requirements that are placed on them and the need to manage the affairs of this Assembly so that matters are dealt with appropriately and at the right time. Therefore, I would implore States Members please do not support this amendment.

[17:00]

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

This is quite a difficult one I think because I see a future with Minister after Minister or Assistant Minister coming with last minute lodgings. That is the likely outcome. On the other hand - to quote Deputy Le Hérisier's favourite phrase - the person who comes with the last amendment to a particular policy is probably often the Back-Bencher who is just picking up on it and saying: "What I have seen there is wrong but I only just noticed it so I will get something in as quick as I can" so it is swings and roundabouts how to approach this one. I wait to hear what the Chairman has to say about this before I cast my vote. What I would like is some sort of rough and ready definition of what the public interest is because I am not clear about that and I think the previous speaker nearly said: "It is of public interest" which is a different thing altogether. "In the public interest." Give me a couple of examples that you would say: "In the public interest" so I can get my teeth into it, is what I would suggest, if it does not take longer than 25 minutes.

### **5.5.4 Deputy R.G. Le Hérisier:**

Just to echo the Deputy of St. Ouen, I do support paragraph (1), but I do fall on paragraph (2). I wonder if the Chairman could also, in response to Deputy Southern's question, outline the criteria by which the public interest will be assessed?

### **The Greffier of the States (in the Chair):**

If I could just remind Members that there is no provision to vote separately on a provision so Members will have to vote on 5 in its entirety. Senator Routier.

### **5.5.5 Senator P.F. Routier:**

I think it is quite interesting the way that the Deputy of St. Ouen was sort of pointing the figure virtually at Ministers as if it was them who were wanting this to be brought in but it is something that has come from the Privileges and Procedures Committee as made up of both Ministers and Back-Benchers and, as Deputy Southern has identified, this can help both sides of the House. It will be an opportunity for Back-Benchers to use this as well as Ministers so I think the Deputy of St. Ouen's approach to this is ill-founded with regard to thinking it is just something that Ministers want.

### **5.5.6 Deputy T.A. Vallois:**

I am going to be very quick and short but after the last speaker, you know that there is something up when they turn around and say: “It will be just as much in the Back-Benchers’ interests as it will in the Ministers.” Sorry? No, it was Senator Routier that just said that. I cannot support part (2) because of the amount of times I have heard all the different views of what the public interest is. I mean, you think of how many times we talk about semantics in this States Assembly. No, I think the way it is at the moment, I would suggest that everyone just has to be that little bit more organised and better at doing what they do.

#### **5.5.7 The Connétable of St. John:**

Well, I am seeing the eye movement between the Chairman of P.P.C. and the Chief Minister’s Bench on this one. **[Laughter]** I am really worried. His vast chair sits over there. Other P.P.C. members are in the ... yes, I am getting to the point in a moment. With the exception of the one that sits just in front of the Chief Minister but your eyes are going right over his head. Right, over the head to the Chief Minister and I wonder who is pulling whose strings. I will not say any more than that but I will not be supporting this.

#### **The Greffier of the States (in the Chair):**

I do not think you can accuse Members of having their strings pulled. Senator Le Marquand.

#### **5.5.8 Senator B.I. Le Marquand:**

I thought of an example which I think has happened over the past for Deputy Le Hérissier and that was an example where somebody put in an amendment late on in the day and then tried to get things changed so that the amendment could be heard. If my memory is correct, we had a situation in which effectively that amendment was blocked out because Members were not willing to do so. They did not consider it to be in the public interest and they were not willing to allow the debate of the whole matter to be delayed to another date, so that is an example. The other contribution I would make is purely a definition of what “public interest” means. Frankly, that will, in my opinion, be entirely up to each Member to decide. I do not think there is a definition as such in a sense that this is being made deliberately more open so that people have more flexibility to decide whether or not they think it is in the public interest, i.e. it is appropriate for it to go ahead.

#### **5.5.9 Senator I.J. Gorst:**

I do not know what the genesis of this amendment is. However, I would say I think it is extremely difficult to meet the criteria of the current Standing Order which means that, generally, it is extremely difficult to make a case for shortened lodging. Now some Members may think that is good. On balance, I think there should be the possibility that a shortened lodging is available to all Members. The only one I can recently think of that I was involved with was with regard to the Committee of Inquiry. So I am not sure whether it was the terms of reference or it was the appointment of Chairman. It had to be lodged over, I think, what was a Christmas period and I think it would have been far better and it would have been in the public interest to have been able to do that prior to that recess of the States. But it was impossible to make the case that it was so detrimental to Jersey’s future but it would have been in the public interest to have done it sooner. It is entirely in the hands of Members but I can see that there is a reasonable argument for trying to provide a test which, at some point, can be met. There is very little point having a test which really broadly can never be met.

#### **5.5.10 Deputy M. Tadier:**

Hopefully, I can help shed some light on this. I do not see this as a conspiracy that particularly favours the Council of Ministers but it is important to explain a couple of key things. The term “prejudicial to Jersey” is not clear and it is loaded in such a way because Jersey, in that sense, is not a homogenous entity. We often hear something that is prejudicial to Jersey and let us give an

example. When it came to the blacklisting, there was a clear case there that this was an urgent matter that needed to be brought forward so that the finance industry would not be affected. So, clearly, Jersey was understood in that particular context as: “We need to do this because, otherwise, there is potential for mass economic decline if we do not get this in at the right time.” I think that was generally understood anyway but there might be other issues. If we take one case in point which is paragraph (1), there is a reason why we allow a lesser lodging period for disciplinary matters and votes of no confidence because it is natural justice. It is not good for a Minister to have a vote of no confidence hanging over his or her head and it should be the first item to be debated. That is the reason we do that. Hopefully, we all agree with that. We do that because it is in the public interest to do so. It is not prejudicial to Jersey though to do that necessarily. It will be a tough call to prove that point that it is prejudicial to Jersey so it is entirely consistent if we change the wording to say that something is in the public interest. Now it may well be, for example, that if I wanted to lodge an amendment or bring something with a shorter lodging period, for example, to do with housing, if it became apparent that there was a particular housing issue where people were living in abject conditions and it needed to be addressed very quickly and we all agree with that, it might be difficult to prove that that was prejudicial to Jersey but it would be arguably in the public interest. Ultimately, it is for us as a States Assembly to decide what is in the public interest in this context. If we think that a matter is so urgent that it is in the public interest, it is much easier for us to agree on that and decide it. It is not easy to decide what is prejudicial to Jersey because that is abstract and it is obscure so I think that is the rationale that we are coming from. Of course what it does not do is it does not stop any one faction in the States Assembly which holds a large voting block having power but that can happen currently under the “prejudicial to Jersey” argument. So politics does not change because of that but we have to be mindful that precedents will be set. So if something is seen to be in the public interest for one particular issue when the Chief Minister or a Minister brings it and he knows that he can command a majority anyway, that is nothing to do with the wording. The wording, I believe, is an improvement. It gives clarity and it gives more autonomy to this Assembly. It says: “We decide what is in the public interest” if a debate needs to be brought forward for a specific issue. We do not have to rely on an obscure and unclear turn of phrase which currently is not particularly helpful so that is the rationale behind it. By all means, if Members do not feel they can support that, you do not have to vote in favour of that. Of course, you do not have to anyway but that is not because there is something which has been going on behind the scenes in some dodgy dealings. It is really because the new wording is a lot clearer. Of course, these discussions took place anyway and we are saying: “Well, where do you draw the line?” The lodging period is there for a particular reason but there are carve-outs already and it is simply saying that if we have carve-outs, the wording should be updated to make it much clearer and to give the Assembly clarity on what their role is in deciding what can and cannot be debated in a quicker time period.

#### **5.5.11 The Connétable of St. Mary:**

I have just got a little general unease with this because obviously when we are looking at Standing Orders, we are looking at catering for really the way we run every bit of the Assembly and not just special occasions. I do not think the analogy with “votes of no confidence” *et cetera*, is at all relevant because that is a very specific thing that is known and quantified. As Senator Le Marquand said, the public interest can mean different things to different people depending on the context and I just wonder how fair this is to people who like to prepare well and have to consider things well. We went through P.33 which was an enormous piece of work but it was quite clear at some stages that people were having great difficulty dealing with different aspects. What if something had been introduced into the middle of that? It could have happened. It could have been in the public interest to examine something else if we had been in the middle of a debate. It might have been necessary to bring something in. Members would be having to consider it quickly

without giving it deep thought. I can remember the shock on some people's faces when they realised that we were taking out the Troy rule out of the States of Jersey Law and putting it into Standing Orders and that was something that we had seen for weeks and weeks and weeks. So the danger of not fully considering things is immense. It really is immense when you really think you have worked hard and found out all the arguments and all the holes. When you have finished crocheting your hang glider, you suddenly realise you have dropped a stitch somewhere because you did it too quickly and I think it is a real danger because there is no test of saying: "It may be reduced up to one week" or something like that. It could be sprung on us since the beginning of the sitting. I do not see that we have demonstrated in the past, apart from on some really quite specific and rare occasions, that this has been a problem and, as Deputy Vallois said, we have to be prepared, we have to plan and we have to do things. I think every piece of legislation that this Assembly passes is worthy of full scrutiny and discussion and I just worry that by doing this we are opening up the flood gates to being able to do things willy-nilly and really the logical part of me says: "Do not do it" so I do not think I will be supporting it. Thank you.

#### **5.5.12 Deputy G.C.L. Baudains:**

As Members will be aware, I am not noted for supporting the Executive, although I have to say that I always vote according to my conscience. I do not see this as deferring to the Executive. I do not see it as in their favour as much as I see it as a pragmatic solution to a situation we have bumped into many times in the past and, as such, I think I will be supporting it.

#### **The Greffier of the States (in the Chair):**

Does any Member wish to speak on Standing Order 5? I call on the Chairman to reply.

#### **5.5.13 Deputy J.M. Maçon:**

I thank Members who have contributed to that debate. I hope to give comfort to the Constable of St. John. I have no strings in my back or above my head. I am an independent Member and of course this has come from the P.P.C. Committee so we have had a broad share of individuals who have considered this.

[17:15]

The question about how high the test for this should be to answer some questions, as is now, as has been said, this will be in the Assembly's hands to decide whether they feel that this is in the public interest, as it is now, as being prejudicial to Jersey. Some examples that have been asked for, well, we have seen, for example, in the previous Island Plan debate, the Minister who noticed that some of the words which he was proposing were not in order and there was an argument about keeping good order of the Assembly to allow those amendments to be changed on the day. But there was an argument of: "Did that really meet the test of it?" It was so prejudicial to Jersey not to allow that debate and it is an argument on the head of a pin really and not only that but we have had other examples whereby in our Order Papers, a Member looking at the Order Paper might put in an amendment to something and say: "Oh, well, it will not be taken on the Tuesday. It will be taken on the Wednesday. That is one day to go so by the time we get there, it will be in time." But I have had the situation whereby that has occurred. A Minister has deferred a large proposition to the next day and I find myself in the situation whereby now my amendment is out of order because it has not met the lodging period. I think it is all good and well to say: "Well, you should have got that in in time" but, again, this would still allow the Assembly to decide whether they felt, in the keeping of good order in the public interest, it was acceptable to allow that to progress. It has very much been designed to give States Members more flexibility in deciding how and when they take their business predominantly, so just for the running of good order when we do have those rare occasions whereby lodging periods are perhaps missed now and again. But there is nothing automatic to say that if a Member wanted to propose an amendment on the same day when

something is going to be taken that the Assembly is going to accept that without duly being able to consider it. I would urge Members to support this because it would be very unfortunate to chuck this out because, unfortunately, we have to take it all in one go. The other aspects I do not think Members have a problem with. I think they can accept the shorter lodging periods for the other aspects. Again, while I accept that it can be seen both ways as much as a hindrance or as a benefit to Members to be able to be more flexible in considering the business of this Assembly and how we progress things, it is entirely up to Members to decide how they feel and whether they feel the bar is too high or too low. I think this is still quite a high bar because you have got to convince 26 other Members of this Assembly to allow providing we are fully quorate and what have you to allow that to progress. So it is not an easy test either and so I maintain the proposals.

**The Greffier of the States (in the Chair):**

The appel is called for on Standing Order 5. If Members are in their seats, I will ask the Greffier to open the voting.

<b>POUR: 20</b>		<b>CONTRE: 9</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier		Senator A. Breckon		
Senator B.I. Le Marquand		Connétable of St. Mary		
Senator F. du H. Le Gresley		Connétable of St. John		
Senator I.J. Gorst		Connétable of Grouville		
Connétable of Trinity		Deputy R.G. Le Hérissier (S)		
Connétable of St. Peter		Deputy of St. Ouen		
Connétable of St. Brelade		Deputy T.A. Vallois (S)		
Deputy R.C. Duhamel (S)		Deputy M.R. Higgins (H)		
Deputy G.P. Southern (H)		Deputy of St. Martin		
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				
Deputy G.C.L. Baudains (C)				
Deputy of St. John				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Mary				

**The Greffier of the States (in the Chair):**

Now, Chairman, it seems that Standing Orders 6 and 7 are related in some ways. Do you wish to propose those 2 together?

**5.6 Deputy J.M. Maçon:**

Yes, Sir. Standing Order 6 allows any Members to propose without notice that the 2-hour question period for oral questions with notice be extended. At present, there is no scope at all to extend the period and although P.P.C. hopes that the new mechanism will not be used too frequently, the committee believes that it is appropriate to have this extra flexibility. Standing Order 7 makes 2 changes to the rules about question time after an official statement. The first change increases the current time 10-minute question time to 15 and the second change allows any Member to propose without notice that this 15-minute period be extended up to a maximum of 30 minutes. At present, there is no scope at all to extend the period. There are occasionally very significant statements made, such as one made at the time of the suspension of the former Chief Officer of the States of

Jersey Police and although P.P.C. hopes that this new mechanism will not be used too frequently, the committee believes that it is appropriate to have this extra flexibility to extend 15 minutes where appropriate. I propose the amendments.

**The Greffier of the States (in the Chair):**

Are those amendments seconded? **[Seconded]** Does any Member wish to speak? The Deputy of St. Martin.

**5.6.1 The Deputy of St. Martin:**

I can just about go along with Amendment 7 but I cannot agree with Amendment 6. I think Back-Benchers need to be clear in their questions but, far more importantly, I think Ministers and Chairmen need to be very concise in their answers.

**5.6.2 The Connétable of St. Mary:**

I cannot support either of the amendments because I agree exactly with what the previous speaker has said about the answers to questions. But we all know that in certain time periods we use them up and once we have used them up that becomes the norm. Also, the second Standing Order 68, I could absolutely accept the extension to 15 minutes. What I find difficult is the extra extension that can come on sometimes if the Assembly agree and I do not believe we would be allowed to vote on that separately so therefore I must reject the whole thing with deep regret.

**5.6.3 Senator A. Breckon:**

I think it is common sense to accept both of these things for obvious reasons. There were a couple of questions. The Chair does, I must say, whoever is presiding, a very good job in guesstimating and fitting the questions into time and sometimes Members are cut short a bit, cut off at the knees occasionally even, and sometimes that is because a Minister may be answering questions without notice, so it fits in that. The other thing is that sometimes Members or indeed Ministers can, as the Constable of St. Mary has just mentioned, go around the houses literally before they do that. That is something that we are perhaps still on a learning curve. The other thing with statements, there is no time limit on how long somebody can take to make one and when the Minister for Treasury and Resources did that on the budget it is the longest statement I have ever heard and then we had 10 minutes on a very important subject. Now there could be issues, say like we had with the crisis with the shipping situation where Members may wish to question the Minister, and I would ask the Chief Minister and other Ministers to note this, perhaps they are missing an opportunity here to come to the House with statements about things that they are doing or that they have done, they have been on a visit somewhere, there is no official record anywhere of it, they might like to come to this Assembly and say where they have been and what they have been doing and who they met. That way it gets it on the record and Members can question them about it and that I would think, as well as being informative, is a courtesy to this House. If that means we extend it a little bit, I think that is a good use. If Members want proof of that, if they look at the amount of statements that are made by Ministers, there is not that many really when perhaps there should be, because we are relying on press releases to say where they have been and what they have been doing. Of course we cannot ask the Minister then about the fact unless we ask a question and perhaps if there was more statements and time was allowed for it on critical issues then perhaps there would be less questions, so one would perhaps balance the other out. For those reasons I will support both of these proposals.

**5.6.4 Deputy G.P. Southern:**

The proposal is that Members request that time be extended. That still requires a vote from the Chamber to support that. I expect that in many cases that would not be granted: "We have heard enough about this", we will be saying: "No, we do not want to extend it." But there will come an

occasion, either in question time, where you can clearly see that the issue has not been resolved, has not been pinned down, and you want to pin it down. Equally and certainly with Ministerial statements where the content can be a full 2 and a half, 3 sides, and if you want to extend that and really grill the Minister about what his statement means and what the implications are then there will come a time when almost anybody I think in this House will want: “Yes, we missed an opportunity there, we should have gone for that Minister and really tested him.” Ditto. So I am saying it does not have to happen, it is not inevitable that time will regularly be extended, but from time to time there will be occasions when almost everybody in this House will want to get hold of this issue and have that extra time. Let us pin it down.

#### **5.6.5 Deputy M. Tadier:**

Very much in line with the last speaker, this is permissive, it is not obligatory, and that is the whole point there. With amendment 6, it is interesting to know that historically the States always could determine to extend question time and sometimes that was voted for, sometimes it was against, and it was only really due to a ruling of the Chair, which created a precedent to say that we cannot lift Standing Orders and that came into place because we would have to lift all of Standing Orders, so it is to try and resolve that issue and give the flexibility, which States Members may need on occasions. But the way I look at it is that first of all holding the Executive to account is one of the basic principles of this Assembly and it is also something that the Scrutiny function does and it is something that I would expect all Scrutiny members and Scrutiny chairs to be fighting for. It is the way we hold the Executive to account through questions, with and without notice, in a public forum. I would just ask for the Deputy of St. Martin to imagine, he has a question right at the end of the Order Paper, it has happened to all of us, not happened so much recently in this session, but in the previous sessions there were lots of oral questions and we struggled to get it in, in 2 hours. Now he has a question in about St. Martin’s Primary School and it is time critical, he needs to get an answer from the Minister for Planning and Environment, he is 20th on the Order Paper, we get to number 19 and then he cannot get the Minister to make something on public record. Therefore we ask: “Can we extend it simply to take this question.” It is finite, it is not saying: “Let us extend question time infinitely or for 2 hours,” it is just saying so that the Deputy can get his question in. That can happen to all of us. Now, perversely, you can get situations whereby the 2 previous questions are for a Minister who is up for questions without notice anyway, so logically if we were doing things gentlemanly we would say: “Look, it does not look like I am going to get to my question. Those 2 questions are for the Minister for Treasury and Resources, so you do not really need to ask those questions now, do you? Let me ask my question.” That is what we would do sensibly. But we do not have the provision to do that. So all it says is that, if the States agree to do it, we can extend for an extra 5 minutes so that question can be answered. The answer would already be prepared anyway, if it is questions with notice, all the work has already gone into it. The Minister for Planning and Environment, in this case, would have an answer there, or the Minister for Education if we carry on if it is about a school, he has the answer there, it simply means he cannot give the answer out. So it is not heavy weather, it is simply about allowing Members to get answers to their questions in a public forum. If we are concerned about the amount of time we spend in this Chamber, it is important to note that from the annual stats that we get the vast majority of time spent in this Chamber is on public business, not on question time. So if we want to reduce the amount of time we spend in the Chamber, not that that should be our primary goal anyway because we are here to spend time and debate issues, then we should look at that area, not looking at shaving 5 minutes off the occasional question time. I think the same arguments extend to amendment 7, so I would not have had a problem with them being taken separately, but I think they do hold together and I would ask Members to vote for this because at the end of the day the Assembly can decide to consistently not choose to extend question time, but at least that gives us the power back, it gives us the opportunity to decide if we want to allow questions to be put. So I

hope that goes some way to alleviating the fears of the 2 speakers who had qualms about these amendments.

**The Greffier of the States (in the Chair):**

Just to clarify, Deputy, although they are being proposed together, the 2 Standing Orders could be voted on individually. It is just you cannot split up one Standing Order as with 5.

**Deputy M. Tadier:**

Could I suggest in that case that it might be worth considering we do separate them.

**The Greffier of the States (in the Chair):**

Yes. If you wish to, it is your prerogative. Senator Routier.

**5.6.6 Senator P.F. Routier:**

I am probably not going to be popular now. Over the years, when we developed a question time into extending it over 2 years ... 2 hours. It seemed like 2 years sometimes. It has really changed the whole focus of what this Assembly is about. This Assembly is about achieving things for our public and getting decisions made and progressing new proposals and getting new services ready for the people that we serve. I have less of an objection to questions, which, when they get the answer, something comes of it, something develops and a Member comes forward with a proposition afterwards.

[17:30]

But we do have, I am afraid to say, a lot of questions, which nothing develops from it afterwards, it is just a question is being asked because we have question time, we have to fill up the questions for 2 hours, let us ask some questions. It is time to get questions in to the Greffier; let us get on and get our questions in. But nothing comes of it. That is the annoying bit about it as far as I am concerned. I am sorry to say these things, but I think we do spend too much time asking questions and not delivering services to our public. I cannot support 6. I have less of a problem with 7 but certainly extending question time further than 2 hours, if I had had my wits about me I would have tried to reduce it to an hour.

**5.6.7 The Connétable of St. John:**

I have to take the previous speaker to task. He is telling us in one breath that we are here to serve the public. He sits on the Council of Ministers along with the Minister for Transport and Technical Services. I have been asking questions, and from time to time I do get success, on increasing the main drains to those people out there in the Island. I am not having much success really on road improvements, but it is only a matter of time. It is important that we ask questions to keep the Council of Ministers, unlike the committee system, which I harp back to, which worked, you could not say other, Chief Minister. Minister, you can say other. What I am concerned about, we have to hold these ladies and gentlemen in high office to account. We have to hold them to account for the public of Jersey, not to let them handcuff us and try and cut our tongues out so they are the only ones that can perform in the Chamber. We are here to do a job to represent the people and, if it means extending question time, we extend it, to make sure that the Council of Ministers do what they are supposed to do, give us the services we need. The Minister for Transport and Technical Services, the Minister for Treasury and Resources, get your heads together, get the funding sorted out, and let us have main drains, mains water, and our roads sorted out. **[Laughter]**

**Deputy M. Tadier:**

Can I just interrupt, I know it is 5.30 p.m. and could we ask perhaps to extend this part of the session? Could we put that to a vote? Otherwise, can I propose the adjournment?

**The Greffier of the States (in the Chair):**

Hopefully the remaining Standing Orders are, I do not think, unduly controversial, Chairman, but it is a matter for ...

**Deputy J.M. Maçon:**

The remaining Standing Orders are very non-controversial and perhaps if Members perhaps decide not to repeat the arguments that have already been used then we could proceed. [Approbation]

**The Greffier of the States (in the Chair):**

Are members content to continue? Deputy Higgins.

**5.6.8 Deputy M.R. Higgins:**

I will be brief. I was going to be brief, in fact I was not even going to speak until I heard Senator Routier speak. Senator Routier and some of his colleagues who are known as the Ministers give no answers. If we get no satisfaction why are there so many questions? If Ministers would answer the questions sometimes, and briefly, there would be much less of them. So, to criticise Back-Benchers for bringing questions and wanting to get answers is absolutely outrageous. Look to yourselves first. What I would say too is that question time is the only time that in many cases we can get redress for the citizens of this Island because of what Ministries have done to them or tried to expose inefficiency and waste when you are not trying to get answers from other sources. So I think that question time is one of the most effective things that is done in this House and trying to hold Ministers to account and we should support this proposition.

**5.6.9 Deputy J.H. Young:**

Like Deputy Higgins, I was really quite shocked at what has just been said. Questions to me, as a Back-Bencher, it is the only time we have to get information, if only there were more easier methods, but this is vital and we must vary it.

**The Greffier of the States (in the Chair):**

I call on the Chairman to reply.

**5.6.10 Deputy J.M. Maçon:**

We have heard the arguments one way or another. Again, I think the key point is this does come down to the discretion of the Assembly. It does provide flexibility for the Assembly and whether States Members want that, one way or another, is for them to decide. So if I can take a separate vote on 6 and 7.

**The Greffier of the States (in the Chair):**

Very well, you wish the appel I assume. Therefore the first vote is on Standing Order 6, the ability to extend oral questions with notice, and the Greffier will open the voting.

<b>POUR: 15</b>		<b>CONTRE: 15</b>		<b>ABSTAIN: 0</b>
Senator A. Breckon		Senator P.F. Routier		
Connétable of St. John		Senator B.I. Le Marquand		
Connétable of St. Brelade		Senator F.du H. Le Gresley		
Deputy R.C. Duhamel (S)		Senator I.J. Gorst		
Deputy R.G. Le Hérisier (S)		Connétable of Trinity		
Deputy G.P. Southern (H)		Connétable of St. Mary		
Deputy of St. Ouen		Connétable of St. Ouen		
Deputy of Trinity		Connétable of Grouville		
Deputy M. Tadier (B)		Deputy S.S.P.A. Power (B)		
Deputy T.A. Vallois (S)		Deputy K.C. Lewis (S)		

Deputy M.R. Higgins (H)		Deputy A.K.F. Green (H)		
Deputy J.M. Maçon (S)		Deputy of St. John		
Deputy G.C.L. Baudains (C)		Deputy S.J. Pinel (C)		
Deputy J.H. Young (B)		Deputy of St. Mary		
Deputy R.G. Bryans (H)		Deputy of St. Martin		

**Deputy M. Tadier:**

Could I ask whether the Chairman might consider withdrawing this and bringing it back another day, this particular ...

**The Greffier of the States (in the Chair):**

No, he has summed up, it is too late to withdraw I am afraid. Very well, Standing Order 7, I will ask the Greffier to open the voting.

<b>POUR: 21</b>		<b>CONTRE: 7</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier		Connétable of Trinity		
Senator A. Breckon		Connétable of St. Mary		
Senator B.I. Le Marquand		Connétable of St. Ouen		
Senator F.du H. Le Gresley		Connétable of Grouville		
Senator I.J. Gorst		Deputy K.C. Lewis (S)		
Connétable of St. John		Deputy of St. John		
Connétable of St. Brelade		Deputy of St. Mary		
Deputy R.C. Duhamel (S)				
Deputy R.G. Le Hérisier (S)				
Deputy G.P. Southern (H)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy M. Tadier (B)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				
Deputy G.C.L. Baudains (C)				
Deputy J.H. Young (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				

**Deputy J.M. Maçon:**

Thank you. If I can take...

**The Greffier of the States (in the Chair):**

Standing Order 8.

**Deputy J.M. Maçon:**

Can I take 8, 9 and 10 together please?

**The Greffier of the States (in the Chair):**

Yes.

**5.7 Deputy J.M. Maçon:**

Standing Order 8 is about a provision to be able to propose a public holiday at short notice. I will not go into the detail about that; that is covered in the report. There are of course 2 restrictions

within there: that it must be a one-off and secondly it must be so imminent that it would not be possible to lodge a proposition in the normal 4-week period. The second Standing Order 9 looks at some of the technical aspects around some of the aspects to do with Property Holdings and it just clarifies some of the anomalies that exist there. Standing Order 10 again is a commencement provision, which brings these into force within 7 days. I propose the amendments.

**The Greffier of the States (in the Chair):**

Amendments 8 to 10 are seconded? **[Seconded]** Does any Member wish to speak on any of those amendments? The Deputy of St. Martin.

**5.7.1 The Deputy of St. Martin:**

Just to intimate I could not agree more with the amendment and, when I read it, it did occur to me that of course next year is a very special Liberation Day and I would be very hopeful, if the Bailiff was in the Chair now, I would be asking him to give a lot of consideration to an additional bank holiday for that weekend because Liberation Day falls on a Saturday and I am hoping that we will have an extremely special celebration throughout the Island. **[Approbation]**

**5.7.2 Deputy J.H. Young:**

I am sorry to disappoint Members who obviously are anxious for a quick rubberstamp job and I stand up and I put my hands up as a member of P.P.C. I was not present when we discussed Standing Order 9(a) item (b). I am really troubled about this movement of boundaries. Although the note says that the adjustments of boundaries do not need to be reported, what I am concerned about is the public do own vast areas of public land, conservation land, Les Landes, Les Mielles, Les Blanche Banques, school playing fields and what have you, and there is the possibility of course, between transfer of land between adjacent owners and public lands, and I really feel that some of those, they might not just be minor adjustments. Knowing how we seem to be selling everything like the Crown jewels now, I am really upset, I am really troubled that this well-intentioned amendment could be abused in the case of concealing what is quite a significant land transfer to an adjacent under item (b). So I am sorry about that, but that is ...

**5.7.3 The Connétable of St. John:**

In the same vein, I have serious concerns on this one, given that the Parish of St. John is currently in negotiations with the States law officers, and other departments, on taking over certain lands. When I say we have all these boundaries, stones that were put in, in the 1950s, and they have the States initials over the top, and I am told: "Sorry, that is not our land," and now we are reading this, they are trying to offload areas of responsibility that they have had since the 1950s and in some cases they are even claiming rental on the land and properties that sit on that land. For one instance that I am told about is, because of this transaction, is a granite hut on Bonne Nuit Jetty, they are told: "It belongs to the Parish of St. John." Yet there are these boundary stones, and our lawyers say: "Yes, no, they were never passed at some time in the 1950s. Something went wrong and they never happened." It is like quite a number of leases when I was on, in the old system of government here, we had leases at the Harbour and Airport Committee with a number of property holders and they had never been signed until the next lease came up and they said: "Oh, the last one was never signed." Something went wrong within all these departments over many, many years, but they did not follow things through. Something like this, be very careful what you are going to be giving away. Giving away, it could be the Crown jewels, we do not know. If our departments do not know the land that we own they are just going to cede it to somebody else, or be taking somebody else's land. These things need to be dealt with properly through the courts, not just stand up here today, press a button, and say: "This is the end of the matter; we will just cede that to that land owner there or this land owner." We are not talking about 3 or 4 feet of land here, we are talking about some serious responsibilities that somebody might be taking on and they will think:

“That is a good idea, I am going to accept this cliff face” until the cliff face falls down and all of a sudden they do not have the money to repair it, and it could be the Parish of St. John, which we are being told: “These are your cliff faces, although we are not sure where the boundaries are”, it could be right down to half tide in our case, so therefore the slip becomes ours, but just: “We will agree these boundaries.” Let us have things done properly please. Thank you.

#### **5.7.4 Senator B.I. Le Marquand:**

I am sorry that Deputy Young was not at the P.P.C. meeting because I am sure I could have set his mind at rest. The fact is that we already have the acquisition, disposal, letting or rental plan, in other words getting rid of it altogether. The purpose of the addition of this was simply that it was pointed out that there was no specific provision for what lawyers call, or used to call, a *contract de transaction*. This would be a *contract de transaction* to determine the boundary. There is already, under the existing provisions, rights to grant servitude or things of this nature, so the only thing that is being added is this complete anomaly, because these are a much smaller issue than selling or giving or disposing of land or even granting rights of way or things of that nature. This is simply saying where the boundary is. Sometimes the boundary is unclear because boundary stones have not been planted historically in relation to that. So what we had was a ridiculous situation in which we could agree a proposition to sell half the Island dealt with under (a) but a tiny little matter of determining boundaries where they were unclear could not be dealt with in that way. I really do feel that Members are worrying unnecessarily here because this is a very minor additional category, which should have been included right from the start.

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

I just think that we agreed to do 8, 9 and 10 on the grounds that they were uncontroversial, 9 has turned to be controversial. I would request the Chairman, if he would withdraw 9 and bring it again at another time that would be a far more satisfactory solution and then we can go ahead with 8 and 10 and go home.

#### **The Greffier of the States (in the Chair):**

I do not know if he wishes to do that. Deputy Le Hérissier.

#### **5.7.6 Deputy R.G. Le Hérissier:**

Very briefly, I am totally confused. I thought the whole purpose of 9 was to include these areas, which previously had not been included, in other words boundary agreements, and the whole point is, because I think this is an excellent Standing Order, which I am glad to see expanded and Members have used very responsibly after the Deputy of St. Saviour alerted us to the Jersey Girls College issue, that was sort of the first one. It is the end of the road and the sort of issues that the Constable of St. John has mentioned should have been picked up by the Parish, by the States Property Holdings, this is the last point on the journey and it is a failsafe measure just in case we have not picked it up. But if there is good, as I know there is in St. John, because we are at the receiving end of it in Education and T.T.S. (Transport and Technical Services), if there is good and active Parish administration they will be picking up these issues. This is the failsafe measure at the very end of the process. Thank you.

#### **Deputy T.A. Vallois:**

Can I just seek some clarification from yourself please, because this is getting rather confusing, and not because it should be or should not be, but it is the wording on page 7 under amendment 9, it states that there will be transactions added to the agreements, but then it turns around and talks about the: “Standing Order 168(3) for the Minister for Treasury and Resources to give 15 days’ notice of arrangements for the disposal, acquisition, letting or rental of land is disapplied to an

agreement to alter a boundary, notwithstanding that it involves either or both of a disposal or acquisition of land.”

[17:45]

So even though we are adding it to Standing Order 168, we are allowing the Minister for Treasury and Resources to go ahead without giving notice to the States. Is that ... can somebody make it ...

**The Greffier of the States (in the Chair):**

No, I think the Deputy is correct that at the moment these matters have to come by way of a proposition because it was an omission from the 2005 Standing Orders.

**Deputy T.A. Vallois:**

All right.

**The Greffier of the States (in the Chair):**

We have had propositions to this Assembly to alter the boundaries, for example, of a well-known property in Grouville that was the former hospice, I think came back twice to alter the boundaries by way of a proposition, and this is merely saying it can be done by way of Standing Order. Now, does any other Member wish to speak?

**Deputy J.H. Young:**

I am sorry, Sir, I do need clarification. If the report says, by approving this measure, the Standing Order is disapplied, surely that is what it means.

**The Greffier of the States (in the Chair):**

It is that the 15-day requirement it is not required for a boundary transaction.

**Deputy J.H. Young:**

Sorry, further clarification. Is not Standing Order 168 to give 15 days' notice to the States Members so that if Members wish to bring a proposition to annul it they can. If the rule disapplies, surely that prevents a States Member from bringing it back before the Assembly.

**The Greffier of the States (in the Chair):**

Yes. The only ones that need to be notified are paragraph (a), which are, as Senator Le Marquand has pointed out, the major items of acquisition, disposal, letting, rental; those are the ones that need the 15-day notice. These other transactions have been regarded traditionally as minor matters of servitude and boundaries that do not need to be reported. You are right. It is a matter for Members if they are happy to proceed in that way. I call on the Chairman to reply.

**5.7.7 Deputy J.M. Maçon:**

I thank you for that clarification and I thank the Deputy of St. Martin for his comments on Standing Order 8. My understanding, you have explained Standing Order 9 and 10 is obvious, and therefore I propose the Standing Orders.

**The Greffier of the States (in the Chair):**

Should we take them individually? All those Members in favour of adopting Standing Order 8 kindly show. Does any Member wish the appeal on Standing Order 9?

**Deputy J.M. Maçon:**

Yes please.

**The Greffier of the States (in the Chair):**

The appel is called for on Standing Order 9. So if Members are in their seats the Greffier will open the voting.

<b>POUR: 22</b>		<b>CONTRE: 6</b>		<b>ABSTAIN: 1</b>
Senator P.F. Routier		Connétable of St. John		Deputy M. Tadier (B)
Senator A. Breckon		Deputy G.P. Southern (H)		
Senator B.I. Le Marquand		Deputy T.A. Vallois (S)		
Senator F.du H. Le Gresley		Deputy M.R. Higgins (H)		
Senator I.J. Gorst		Deputy J.H. Young (B)		
Connétable of St. Mary		Deputy of St. Martin		
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of Grouville				
Deputy R.C. Duhamel (S)				
Deputy R.G. Le Hérisier (S)				
Deputy of St. Ouen				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy E.J. Noel (L)				
Deputy A.K.F. Green (H)				
Deputy J.M. Maçon (S)				
Deputy G.C.L. Baudains (C)				
Deputy of St. John				
Deputy of St. Mary				
Deputy R.G. Bryans (H)				

**The Deputy Greffier of the States:**

Accordingly that concludes that item, there being no further reading for Standing Orders.

**ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS**

**The Greffier of the States (in the Chair):**

Finally, Chairman, we come to arrangement, the very long arrangement of public business for future meetings and Members will find, I think distributed by the usher, the list of 4 pages of future business.

**6. Deputy J.M. Maçon (Chairman, Privileges and Procedures Committee):**

Yes, and can I just remind Members that we have added to the beginning of that Order Paper the proposition in the name of the Minister for Transport and Technical Services, the Waterways Strategy P.39/2014. I would anticipate that for the next sitting on 3rd June I would recommend Members take 3 days for sitting and I would like to propose the order as on the Order Paper.

**6.1 Deputy R.C. Duhamel:**

I have an amendment that I would like to make to business that is due to be debated on 1st July. Can I make that now?

**The Greffier of the States (in the Chair):**

Yes.

**Deputy R.C. Duhamel:**

I would wish to advise the Assembly of my desire to reschedule the date of debate for the review of the Island Plan P.37/2014 to the sitting that commences on 14th July.

**The Greffier of the States (in the Chair):**

Very well. It is your prerogative to make changes to the date Minister

**Deputy R.C. Duhamel:**

Should I say a few words?

**The Greffier of the States (in the Chair):**

Briefly yes it is your prerogative to change the date, Minister, you do not need permission so you will notify Members.

**Deputy R.C. Duhamel:**

Should I say a few words in terms of support and justification?

**The Greffier of the States (in the Chair):**

It is your prerogative. Perhaps you could notify Members by email in view of the hour.

**Deputy R.C. Duhamel:**

I will do that.

**The Greffier of the States (in the Chair):**

Are there any other changes? Chief Minister.

## **6.2 Senator I.J. Gorst:**

Yes, Senator Ozouf has circulated to all Members, yesterday I think it was, about requesting P.59, M.T.F.P. (Medium-Term Financial Plan) amendment for the Housing Transformation Programme, if the lodging period could be shortened so that this item could be taken on 3rd June. Obviously Members will be aware from that email that the criteria that we have just been discussing in regard to normal Standing Orders is different for this type of amendment and it would fall under the test of urgency and therefore I ask Members to allow it to be taken on 3rd June.

**The Greffier of the States (in the Chair):**

I think, Chief Minister, you are slightly misleading the Assembly. There is no test in Standing Orders for the M.T.F.P. It simply says the States may decide to reduce the lodging period. There is no test needed to be met; it is a matter for the Assembly.

**Senator I.J. Gorst:**

That is right, as I understand it. There is a test though in the ... sorry, I misinterpreted Standing Order 26(7)(a) then.

### **6.2.1 The Deputy of St. Ouen:**

I stand up to strongly object to this particular matter being debated earlier. The Corporate Services Panel has been in dialogue with the Minister for Treasury and Resources asking about work programmes. This matter has never been raised or spoken about to the Corporate Services Panel, although the Minister for Treasury and Resources has been well aware that we are planning to undertake a review and to follow up on the Medium-Term Financial Plan and the Budget. We are not prepared to see, not only this matter advanced and brought forward for debate, because this, I am certain, will be considered as part of the review into the Medium-Term Financial Plan.

### **6.2.2 Deputy A.K.F. Green:**

These amendments to the Medium-Term Financial Plan will be, if the Assembly accepts the propositions for the forming of the company and such like, consequential minor technical adjustments because of those changes. For example, sums of money will move column within the Medium-Term Financial Plan, it does not change very much, but it is important that it is done at the same time as hopefully the States agree the transfer of land to Andium.

**Deputy R.G. Le Hérissier:**

Just to tell the House, because of ongoing legal matters, and I am still awaiting, I will probably withdraw the proposition on the Channel Island Co-op.

**The Greffier of the States (in the Chair):**

Very well. Sorry, I thought you were speaking about this lodging period, so we have jumped to something else. Let us conclude the lodging period first. Does any Member wish to speak on the proposition?

**The Deputy of St. Ouen:**

Please can I just make a suggestion?

**The Greffier of the States (in the Chair):**

You cannot have a speech but you can make a suggestion, Deputy, yes.

**6.2.3 The Deputy of St. Ouen:**

As to the best way forward to deal with this matter, because the Corporate Services Scrutiny Panel are able to call any matter in to scrutinise it and to be allowed appropriate time to look at it. May I suggest that between now and our next States sitting that the Minister for Treasury and Resources and the Corporate Services arrange a meeting with the Minister for Treasury and Resources to brief us, because we have not even had the courtesy of being briefed on this matter, to be briefed on this matter so that proper determination can be made as to whether this is necessary to be scrutinised and time allowed, or whether it could be dealt with in the due course of events.

**6.2.4 Deputy A.K.F. Green:**

On behalf of the Minister for Treasury and Resources and Treasury, we are happy to meet with Corporate Services to provide them with that briefing if that helps Members.

**The Greffier of the States (in the Chair):**

Do you wish to maintain your proposition?

**6.2.5 Senator I.J. Gorst:**

I was going to say exactly what the Assistant Minister said. I have no doubt that the Minister for Treasury and Resources and the Assistant Minister will make themselves available as quickly as they possibly can. I suppose it just leaves the difficulty for this Assembly in that it may be then that the proposition has to be made on the sitting of the 3rd to take the item on the 16th and Members will not be aware of it. So that creates a difficulty. I do not know whether we could in principle agree to move it to the 3rd and if, after that briefing Scrutiny is not happy to take it then they will make the proposition to move it back again.

**The Greffier of the States (in the Chair):**

I think you are free to maintain your request. It will be a matter for the Assembly to vote, if you wish to request that the lodging period be reduced.

**Deputy M. Tadier:**

What is the test that applies to whether we can reduce the lodging period, is it the old one or the new one?

**The Greffier of the States (in the Chair):**

There is particular exception in Standing Order 26(7)(a), which applies to Medium-Term Financial Plan, it simply says: “The States may reduce the lodging period in the case of a proposition lodged by the Council of Ministers under Article 9 of the Public Finances Law for the amendment of a Medium-Term Financial Plan.” So there is no test. Just to clarify for Members, the normal lodging period for the Medium-Term Financial Plan is 12 weeks; that is why this is in September, but this is clearly an amendment to the plan, not the full new plan. It is a matter for Members. The appel is called for. The Chief Minister wishes to maintain the matter. It could possibly be reviewed in the light of the discussions. But the Greffier will open the voting.

<b>POUR: 17</b>		<b>CONTRE: 12</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier		Connétable of St. John		
Senator A. Breckon		Deputy R.C. Duhamel (S)		
Senator B.I. Le Marquand		Deputy G.P. Southern (H)		
Senator F.du H. Le Gresley		Deputy of St. Ouen		
Senator I.J. Gorst		Deputy S.S.P.A. Power (B)		
Connétable of St. Mary		Deputy M. Tadier (B)		
Connétable of St. Ouen		Deputy T.A. Vallois (S)		
Connétable of St. Brelade		Deputy M.R. Higgins (H)		
Connétable of Grouville		Deputy J.M. Maçon (S)		
Deputy R.G. Le Hérisssier (S)		Deputy G.C.L. Baudains (C)		
Deputy of Trinity		Deputy J.H. Young (B)		
Deputy K.C. Lewis (S)		Deputy of St. Martin		
Deputy E.J. Noel (L)				
Deputy A.K.F. Green (H)				
Deputy of St. John				
Deputy of St. Mary				
Deputy R.G. Bryans (H)				

Deputy Le Hérisssier, you gave notice that you have withdrawn your proposition P.20?

**Deputy R.G. Le Hérisssier:**

It is not totally confirmed, but, yes, I will withdraw it.

**The Greffier of the States (in the Chair):**

You can always relodge it again at a later date, Deputy. Senator Breckon.

**6.3 Senator A. Breckon:**

Just for Members’ information P.90/2013 Sunstone Holdings and De Lec is down for debate on 3rd June. It has been delayed. We started the debate in September last year. It has been lodged for nearly 10 months but with the agreement of the Chief Minister a report has been prepared, which was finished yesterday. So I am in the debt of the Chief Minister, but I understand that the comments will be revised and information will be produced to Members during the course of the next week so it will be available for that debate so that debate goes ahead on 3rd June.

**Deputy G.C.L. Baudains:**

Given that the agenda for 1st July looks completely impossible, I wonder if we could be reminded of the continuation days for that.

**Deputy J.M. Maçon:**

Yes, I circulated an email to Members some time ago on 2nd April advising that we would have, as a continuation date, I believe it is 8th, 9th and 10th July, in order to deal with that particular workload.

**The Greffier of the States (in the Chair):**

This is the addition to the 2nd and 3rd July?

**Deputy J.M. Maçon:**

Yes.

**Deputy M. Tadier:**

Given that there is a heavy workload for the next few months, and given Members contempt for question time, can I make a proposal that, until September, we just abolish question time completely so that we can ... although if I do make that, Sir, it may get passed, so maybe ...

**Senator P.F. Routier:**

Can I second that please, Sir.

**Deputy S.G. Luce:**

Call for the appel please, Sir. **[Laughter]**

**The Greffier of the States (in the Chair):**

I think perhaps it is time has come for the Assembly to adjourn. The Assembly stands adjourned until 3rd June.

**ADJOURNMENT**

[17:57]