

STATES OF JERSEY

OFFICIAL REPORT

WEDNESDAY, 7th JUNE 2017

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ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS **Error! Bookmark not defined.Error! Bookmark not defined.**

- 6. The Connétable of St. Clement (Chairman, Privileges and Procedures Committee):
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ADJOURNMENT.....**Error! Bookmark not defined.Error! Bookmark not defined.**

[9:32]

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

PUBLIC BUSINESS – resumption

1. Draft States of Jersey (Amendment No. 9) Law 201- (P.18/2017) - resumption

The Deputy Bailiff:

I think we continue to deal with Articles 2 and 3 in their unamended form and I call on the Chairman. I beg your pardon, it has been proposed and seconded. Does any Member wish to speak on Articles 2 and 3?

Deputy J.M. Maçon of St. Saviour:

Sir, could we just have a quick recap, because my memory has gone overnight? What do Article 2 and 3 include? I have lost my memory overnight.

Connétable L. Norman of St. Clement:

They implement the States decision to reduce the number of Deputies from 29 to 28.

The Deputy Bailiff:

Members will remember the chairman proposed Articles 2 and 3 to be seconded, the amendments. It was then debated yesterday, at the conclusion of the sitting yesterday, but the amendments were defeated so we now move to consider in unamended Articles 2 and 3. Does any Member wish to speak on those articles?

1.1 Deputy A.D. Lewis of St. Helier:

This is a small step for man but a large step for mankind perhaps. One reduced Member in the States of Jersey, little steps maybe, so I commend that this goes forward and I hope it is the beginning of further reductions. We have had significant reductions and redundancies in the public sector. How do you think it feels if you are a public sector employee and you cannot see reductions occurring in the States Assembly as well when there is a perfectly legitimate reason for doing it and there are perfectly good reports out there explaining why? I do accept the Constable of St. Mary's point yesterday where she expressed concerns about the machinery of government and she is quite right. That is not to say you cannot do that at any stage during this Assembly and the Chief Minister has already said he wants to bring proposals forward to that extent and I am sure P.P.C. (Privileges and Procedures Committee) will be doing the same, so it can be done. A reduction of one is a poor substitute to the reduction of 5 that the public were expecting during the referendum but nevertheless it is progress, so I would endorse it and hope that everybody supports it.

1.1.1 Deputy J.M. Maçon:

I know we are talking about the reduction in numbers but if this is not the debate where we are talking about merging the Parishes I do not see how we can reduce the number of Deputies without knowing where they are coming from. I would really appreciate some clarity on that because I do not think it would be right for the States to reduce the number of Deputies if we do not know where they are coming from. I would just ask the Chair for guidance.

The Deputy Bailiff:

Article 4 that we will come on to, having debated this, deals with where the Deputies are coming from. It sets out the schedule in the law.

Deputy J.M. Maçon:

What would be the implication, for example, if the States were to vote this through but not vote then through Article 4?

The Deputy Bailiff:

Well, that is a matter that the Members would have to understand. Quite clearly there would be a reduction but the schedule would not have been adopted that says where they are coming from, so it would be a strange result, I suppose, for Members to have adopted one but not to have adopted the other. There are always possibilities for inconsistencies and strange results, of course.

Deputy J.M. Maçon:

Especially in this place, Sir. I appreciate this is probably a procedural thing but I think I have made my point.

1.1.2 Deputy C.F. Labey of Grouville:

Briefly, I would like to ask the Deputy when he makes a claim that there have been significant reductions in the public sector, what evidence he has to back that up. When I was looking at some statistics the other day it was clear that that is not the case because if you take away Andium, Ports and other entities, Visit Jersey, those numbers are no longer counted.

The Deputy Bailiff:

Could I clarify with you, if you are asking a question of Deputy Andrew Lewis, he is not the proposer of these Articles and he will not be able to answer in the summing up at the end. So the most you can be asking for is a point of clarification of his speech and that would normally be done immediately after the speaker has sat down. If you are making a speech saying you do not think the evidence is there, then that is one thing, that is a speech. If you are asking for a point of clarification, then it must be a very succinct question.

The Deputy of Grouville:

I will be voting against because there is no evidence of his claims.

1.1.3 Connétable C.H. Taylor of St. John:

I would like to thank Deputy Maçon for clarifying this because, quite frankly, I think Senator Bailhache's comment of "dog's dinner" comes very relevantly to mind. I do not see how we could vote for something without knowing exactly what the consequences are and anyone who votes in favour of this clearly, without knowing the consequences, needs to explain themselves most thoroughly.

1.1.4 Deputy S.Y. Mézec of St. Helier:

I do not know what Members are talking about. There is nothing complicated about this process at all. It is exactly what happens when the States debates legislation in any other instance. We go through the Articles, we debate them, we vote on them, and if there is inconsistencies or changes that arise out of some Articles being amended and then adopted or not adopted in the first place and you do not like the final result, then you vote against it at Third Reading, so there is nothing unusual about this process whatsoever. This is entirely normal and if we support all the Articles we then have an intact piece of legislation at the end to vote on on Third Reading.

1.1.5 Deputy M. Tadier of St. Brelade:

Just to add to that, this amendment here, this paragraph, is not about reducing the numbers. It might look like it but it is just a necessary precursor to us having a proper and full and sensible debate about super-constituencies and whether we adopt them or not. If Members are hung up on the issue of whether there are too many or too few States Members, that is another matter for

another day. Of course, no doubt we will in future have the debate about whether or not Grouville, St. Peter, St. Lawrence need one extra or fewer Deputies and about the redistribution but, of course, that is part of what we are doing here.

[9:45]

If there is an issue perhaps before we start it is the futility of today when we have 2 senior Members of the States, who we know in theory would have voted in favour of this, are away when we had a 25 knife-edge majority at the last one, which can only be eroded. So it seems to me that we have assembled ourselves here today when it is mathematically impossible for any of these reforms to go through. We might want to bear that in mind and, of course, I fully presume that anybody who does not want any change has got no reason to support this Article anyway. So let us carry on with the futile debate until whatever time it is, knowing that there will be no change on this occasion because 2 senior Ministers ... and I am not saying that they should not be outside the Island but certainly without those 2 nothing is going to be through today.

1.1.6 Senator S.C. Ferguson:

I will not say much but Sir Philip has said that he feels that this is a dog's breakfast but he would have voted for it because he reckons that any change is better than no change. He says we can take the second steps in due course but at least we have taken the first step, which puts me in mind of David Lloyd George who said: "There is no greater mistake than to try to leap an abyss in 2 jumps." I fear we are standing at the edge of an abyss. One of the inherent snags attached to all these revisions is that the public are greatly attached to their Parishes. As Deputy Le Fondré has said, it is one of the key cultural identifiers of our Island. In the U.K. (United Kingdom) the balancing of the constituencies is effected by changing the boundaries and it perhaps is a conundrum that even Clothier was unable to untangle because, given the attachment of the population to their Parishes, any move to change the Parish boundaries is likely to meet with outright rebellion and revolution.

Deputy A.D. Lewis:

Sir, is the Senator not getting on to the amendment here rather than the Article?

The Deputy Bailiff:

We are just dealing with Articles 2 and 3.

Senator S.C. Ferguson:

Yes, but reducing the number of Deputies is an integral part of merging the constituencies, and I shall not be speaking again, you will be glad to hear.

The Deputy Bailiff:

You shall not be speaking again on these points?

Senator S.C. Ferguson:

No, I do not think so. Given the fact about the boundaries, any extensive development in a Parish, like the Samarès glasshouses, for example, will change the electoral balance. The result is we shall be constantly changing and revising constituencies and numbers of representatives, so it is better that we take a step back and not try to cross the abyss in 2 steps.

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

I might need some advice from you, Sir. Just to be quite clear, on page 11 the amended Article then would read: "For 'remain 29', substitute the words 'be 28'" and obviously they are talking about Deputies because there are not 29 Senators or Constables. That is fine but on its own it just

says a Deputy goes from 29 to 28. The explanation on page 7 says it should change Article 2 and 3 and the Assembly should be 28: “And these Deputies should then be elected from 6 districts.” So I think you said, Sir, we could have a vote for this and so we are going to indicate we are going to go down to 28 Deputies, then not pass the whole thing in the final reading. Have we got this hanging over us or ... sorry, Sir.

The Deputy Bailiff:

No. If the law is rejected in the final reading then it is of no purchase. It is simply an indication given by the Assembly on a previous occasion, which can change on the next occasion. It happens all the time.

Deputy J.A. Martin:

Thank you for your clarification. Well, then I just say it is the way we do legislation. As Deputy Mézec says, it is not great. You vote for this, because is it popular to say: “Yes, I voted to reduce States Members by one. Actually, I did not vote for the end so it is all still hanging in the air”? I will just say that for tidiness I am not supporting this because it is the cart before the horse, whatever the Deputies behind me think.

Senator L.J. Farnham:

I am sorry, it is still a bit early in the day. Are we agreeing to a different makeup of super-constituencies with this? No? Sorry.

The Deputy Bailiff:

If all of the Articles were adopted then there is a schedule at the back which will explain the position.

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

Sir, can I make a point of clarification with yourself? This is reserving my right to speak later. Surely the debate we are having is to reduce the number of Deputies from 29 to 28. The default position, therefore, is because the schedule is the only item that gives us the details of how that 28 would be split would surely mean that we are, therefore, in principle signing up to super-constituencies, or are you suggesting that it would be perfectly possible for the reduction in Deputies to be reduced to 28 but then ... the law has to stand as to when we pass it, surely, so we cannot not be signing up to ... if we do not approve schedule 4 we then have a hole in the law, so surely the principle would be that if this article is not approved then the whole debate falls. If this article is approved then in principle the debate will go on to super-constituencies, but in principle we are debating the adoption or the allocation of those 28 to super-constituencies because that is the only option in front of us that adds up to 28.

The Deputy Bailiff:

The position is, of course, that the Assembly can pass these Articles and reject the matter in Third Reading in the event that there is dissatisfaction in connection with the constituencies as set out. Obviously if this is passed, if these 2 Articles are passed, then the chairman will go on to move Article 4. That will deal with these schedules and there will then be amendment debate in connection with Article 4 as we go. At the end of the day, if Members or a majority of them are not satisfied with the overall shape and purpose of the law then the Assembly votes against it. It is really, I think, no more complicated than that.

Senator L.J. Farnham:

Sorry, Sir, to test your and the Members' patience, to be clear, if we support this we then discuss which make-up the super-constituencies will follow?

The Deputy Bailiff:

Yes. The chairman, I am sure, will then move on to propose Article 4. There are amendments to Article 4 to consider and at the end of the day there will be an overall numeric picture one way or the other and then the Assembly can vote for or against the draft law as the case may be. Does any other Member wish to speak on Articles 2 and 3? I call on the chairman to respond.

1.1.9 The Connétable of St. Clement:

Just briefly, I think, because you have clarified many of the queries that were raised. I would say to Senator Ferguson that these Articles, and indeed none of the Articles in this amendment to the law, impact on the Parish boundaries. The Parish boundaries will remain exactly as they have been for centuries. **[Approbation]** Where she is right is that we do need, even if we do not make any changes at all, to keep an eye on population shift and the number of people who represent the Parishes or super-constituencies or whatever we might have, and that is something we have failed to do over the years which is why many Parishes like St. Helier, St. Clement, Grouville and some others are well under-represented in this place and others such as Trinity, St. Mary and others are over-represented. That is wrong and that is what is totally unfair about our electoral system and that is why the States have agreed twice this year to change the system to make it fairer and more honest so that people have a relatively equal number of votes and those votes have proportionality and have the same power. That is why we made that decision in February, that is why we made that decision in May and that is why, despite Deputy Tadier's pessimism, I would expect the States to maintain that decision today. It is fairness and equity for all of our population not just our own individual Parishes. What are the consequences, asked the Constable of St. John and I think Deputy Maçon. The consequences of approving this legislation, these 2 articles and the next, would be to implement the decision that the States has already made, simple as that. I maintain the Articles.

The Deputy Bailiff:

I ask the Greffier to open the vote. To clarify, the vote is on whether or not to adopt Articles 2 and 3 in their unamended form. Members have had the opportunity of voting and I ask the Greffier to close the voting.

POUR: 17

Senator P.F. Routier
Senator P.F.C. Ozouf
Senator A.J.H. Maclean
Senator L.J. Farnham
Senator A.K.F. Green
Connétable of St. Helier
Connétable of St. Clement
Deputy G.P. Southern (H)
Deputy J.A. Hilton (H)
Deputy M. Tadier (B)
Deputy S.J. Pinel (C)
Deputy R.G. Bryans (H)
Deputy of St. Peter
Deputy S.Y. Mézec (H)
Deputy A.D. Lewis (H)
Deputy M.J. Norton (B)
Deputy P.D. McLinton (S)

CONTRE: 23

Senator S.C. Ferguson
Connétable of St. Peter
Connétable of St. Mary
Connétable of St. Ouen
Connétable of St. Martin
Connétable of Grouville
Connétable of St. John
Connétable of Trinity
Deputy J.A. Martin (H)
Deputy of Grouville
Deputy J.A.N. Le Fondré (L)
Deputy of Trinity
Deputy of St. John
Deputy M.R. Higgins (H)
Deputy J.M. Maçon (S)
Deputy of St. Martin
Deputy of St. Ouen
Deputy R. Labey (H)
Deputy S.M. Wickenden (H)
Deputy S.M. Bree (C)

ABSTAIN: 0

Deputy T.A. McDonald (S)
Deputy of St. Mary
Deputy G.J. Truscott (B)

The Deputy Bailiff:

Chairman, presumably you do not move the rest of the Articles?

The Connétable of St. Clement:

No, Sir. The States have made the decision that they wish to have the number of Deputies remain at 29. Article 4, if it were adopted, would say there would be 28 and it would make an absolute nonsense of the law. Therefore, I do not know whether I withdraw or what I do here, because the States have adopted the principles, they have adopted Article 1. I am not quite sure what the procedure is now, Sir.

The Deputy Bailiff:

The position, Chairman, is that you obviously need the leave of the Assembly to withdraw now that the matter is open, so it is a matter of you asking that you withdraw and the Assembly consider it.

2. Draft States of Jersey (Amendment No. 9) Law 201- (P.18/2017) - Leave to withdraw the proposition

2.1 The Connétable of St. Clement (Chairman, Privileges and Procedures Committee):

I think that would be the sensible thing to do. It just seems to me rather odd that all we are doing is trying to implement the decision in the States but as the States, after 3 or 4 weeks, have decided they no longer want it, I will ask for leave to withdraw the amendment to the law.

The Deputy Bailiff:

You propose the withdrawal. Is that seconded? **[Seconded]**

Senator P.F.C. Ozouf:

May I just ask if there is any other procedural way? I know we are absolutely in the Last Chance Saloon because if it is withdrawn there is absolutely no chance of anything and it is lost. I am just asking whether there is anything that can be done, whether or not this can ... if it is withdrawn or if it can just be held and sat there and see whether there is something possible. I just ask that because after today then we are in, to many Members' minds, the apocalyptic situation of no reform and I just thought it is worth asking the question, if I may.

Deputy M. Tadier:

Sir, sorry to interrupt. Could I propose a recess?

The Deputy Bailiff:

No. I have considered with the Greffier what the other options may be. It seems to me that the only practical way is to let the chairman's proposition that he now withdraw be put to the Assembly. If the Assembly rejects it then the debate will continue with whatever the result may or may not be. If the Assembly agrees then it can be withdrawn and brought back on another occasion in a different form if that is the will of P.P.C. or indeed any Member of the Assembly, but it seems to me that we must deal with the proposition at hand and the proposition at hand is whether or not this should be withdrawn. You propose that you withdraw?

[10:00]

The Connétable of St. Clement:

Yes, please, Sir.

The Deputy Bailiff:

It has been seconded. Does any Member wish to speak on that?

2.1.1 Connétable A.S. Crowcroft of St. Helier:

In yesterday's debate on the removal of the Senators the Chair allowed many of us the latitude to speak about the whole proposition, and I am quite glad he did, given what has happened this morning. I do think it is appropriate that Members are given the chance to comment again on what 25, I think it is, Members have just voted to do because I do not share Senator Ozouf's view that this is an apocalyptic moment. I think there are far worse things going on in the world than that but I do think it is a highly significant vote that the States have just made and I think it is significant enough for Deputy Southern to ask for the votes to be read out. No one is impugning anything to the motives of those who voted for the *status quo* but at least the chairman of the Privileges and Procedures Committee ... and I have been in that place myself, I have the scars on my back, as does the Constable of St. Mary and Deputy Maçon and many others. It means that we will come to the end of this Government without having made any changes at all in what is clearly a system of government that is unfair. There cannot be many places left, unless one looks at the banana republics, where members in the 21st century can vote to maintain a gerrymandered system, in other words - I said it yesterday and I will say it again - where you have more political influence depending on where you live. I think it is a sad day. It is not an apocalypse but it is a sad day and Members will have to keep fighting for this change to come in. It may take a Royal Commission, it may take electoral observers as have been talked about. I would not be surprised if in next year's general election some attention is given to commentators who will say to Jersey: "What you are doing is plain wrong." So I am not disheartened. I am pleased, if you like, to be on the side of the right, because I think Members who voted to change were absolutely right and I sympathise with the chairman of P.P.C. I do not know whether he will want to do it again but clearly we have got to change our system of government. It is not right that we have this system in place and I just would put my name forward as one person who is not disheartened. I believe we have to keep fighting. After all, we are still fighting for the States to pay rates and I have been on that one for 20 years, but we will get there. We will get a system, as Guernsey has of course, which is fair, and good on Guernsey for getting there ahead of us on this issue as with several other important issues, I may say. That is all I am going to say and I commend Deputy Lewis for bringing forward these amendments and trying to sort this out in time for the election and I am just sorry that he has not been able to.

2.1.2 Senator P.F.C. Ozouf:

I was just trying to find if there was any way of effectively avoiding a situation, because the withdrawal means that there will be no reform before the next election. When I say "apocalypse", I am sorry, in the context it is inappropriate perhaps to use it in terms of other issues, but it is extremely serious. I looked again yesterday at the numbers of constituencies and representatives and it is just simply unfair. It is just simply the report of 133 from P.P.C. just showed it. We can see that the Constables have historic boundaries and that has been accepted, the United States Senate and all the rest of it. That is fine. There are places that do that, but in terms of the Parliamentary Assembly and the fairness of the majority of the Members of the States, with fairness and equality, having different numbers of votes, people in St. Helier No. 3 with 4 votes influencing 4 Members of this Assembly and people in St. Lawrence 2 with the same population of St. Peter and others with one, it is just simply unfair, unsustainable. When I said yesterday ... I might have been excitable but I am an excitable person, and if excitable is divisive because it is the explanation of what I believe and what most democrats believe is right then I am sorry, but it is wrong and we

are now embarking and we are accepting an electoral system which is unfair to the people who put us here. It is not right to have some people with 4 electoral votes and others with one with people in twice the size of the constituencies. We are doing it knowingly and we are allowing this to happen. When you do not know something you perhaps can have an excuse to say: "Well, I did not understand" but we know the problem and when I have talked about election observers, they are going to write the report. I was up at 5.30 this morning. I almost thought I would write a draft electoral report of what will come and what will be said, and Members do not like it. I do not think Members are self-interested. I hope they were not, but it feels uncomfortable. It feels jolly uncomfortable for people with their safe seats and their uncontested seats. This stretches the political divide in terms of left and right but the thing that we should be united about is what is fairness in democracy and we are just on the cusp of accepting for now 18 years. Then it cannot come back because we have had legal advice to say you cannot do a short-term Parliament, you cannot bring forward a general election; I hope Members understand that. You cannot do, with the greatest of respect, what the Constable of St. Saviour said yesterday, have a year and then have a general election. We cannot do that, so we are going to have a 4 year and it will be 25 years and we will have to sustain 4 years from May next year of effectively an undemocratic and unfair electoral democratic system. That is simply wrong and knowing that we are going to do that is the thing that is, I think, the most serious. If you do not know there is a problem and you continue that is one thing. We know that there is a problem; the public know there is a problem. I have looked at the P.P.C. report. How many issues, how many debates have there been? Hundreds. I am taking the States Assembly up on something that is now lost and probably wasting my time but if ever there is something more important it is the foundation of democracy. It is the font, it is the very thing that gives us legitimacy, the legitimacy to pass laws, to impose requirements of taxation on the people who we are here for. If we are here illegitimately and unfairly, and some of us are, that must be a very, very sad day for Jersey's democracy and has serious consequences. I am astonished, astounded. I listened to the debate again yesterday and I thought it is possible to get the Constable just to simply not withdraw and to just stop the debate and to see whether something is possible in this last, last chance to see if something is possible out of what is here, that something, if it is Trinity and St. Saviour or ... I do not know what is possible but something must be possible before we embark on an election which is just simply unfair and we will be told we are unfair and that report in the Commonwealth Parliamentary Association will be reported. We have hidden from that reality. We will not hide next time and it will have consequences to the very validity of every Member of this Assembly that is sitting here. For me, if democracy does not matter then what does? Fairness in democracy must be the absolute ... if there is one priority that we have it is that and every other decision that is based upon that system must, therefore, be called into question by some people, and it will be and that is what worries me. So I do not know whether the Constable can not withdraw, hold, stop the debate and have 2 weeks of reflection, as Deputy Tadier, I think, said. Something must be possible before we embark upon something which is going to be knowingly cast into the most serious echelons of undemocratic states in a single Assembly. It is wrong and we should not be here.

2.1.3 Deputy J.A.N. Le Fondré:

I think, firstly, the vote of the Assembly has been very clear. I think it is a lot cleaner just to accept to withdraw this and then we deal with the next iteration as and when probably the next P.P.C., I would suspect, want to do something about this. I would like to say we are here because we were elected. Yes, some of us, and I am one of them, were not contested last time round but we have all been elected. I have contested twice; I have been uncontested twice. You do not know, one does not know if one is going to be contested or not until that nomination night or until one second after the Connétable has said: "Are there any other nominations?" and there are not any. One has to be ready to go and I would have welcomed a contested election, certainly the first time I was

uncontested, because, as I said, that was the first time we had had effectively a general election. What I would say, and this is trying to look forward, I do suggest, if people wish to, they look at the transcripts from all of the people we had in front of us and I will again, I make no apologies, cite Mr. John Henwood, former member of the Clothier panel, who is passionate about reform and he made a comment and some suggestions about how to move forward. What I would just draw to the attention of Members is our final recommendation on the report and what it says there is: "Given that any desire for equal voting power and the desire to retain the Connétables are, on the face of it, mutually incompatible, the panel considers that some principles need to be established to create a framework endorsed by the public before moving to any set of reform proposals." I want to expand on that because the public very clearly have endorsed the position of Connétable in a referendum and I think from my point of view, and I have always supported the Connétables, that nails down that part of reform. The consequence, though, everybody has to accept, is that there is a distortionary effect because the Connétable of St. Mary, as we know, who I like very much, and the Connétable of St. Helier, who I also like very much, have different sized constituencies. If one brings in the numeric calculations to try and get a proportional representation including the Connétables, the maths either does not work or you end up with a massive amount of Deputies to compensate. What I was saying is one needs to resolve those kind of issues. I have used that as an example and there are one or 2 others. There is the desire for Senators, because Senators and super-constituencies do not tend to go well together. We have heard all that. My take is that people like the position of Senator. Submissions to us were that we want to be able ... we think the Chief Minister should come from the Senators, but I do not want to get into that detail because we were desperately trying not to get drawn into redesigning a system because that is where everybody goes and gets into problems. We were trying to look at what was in front of us. What seemed to be clear is that one has these competing tensions, which P.P.C. have struggled to deal with, and one needs to almost try and get those competing tensions worked out before one leaps for reform factor because certain results of those competing tensions lead to differing outcomes. We seem to be leaping to the outcome but not resolving those competing tensions. That is all I am going to say. I will be supporting the proposition to withdraw because I think otherwise if we do not withdraw we will be carrying on with this debate and we will keep it going for 2 weeks and we will cobble together some suggestion and that is not a good way of doing business. I do urge people to support the proposition to withdraw.

2.1.4 Deputy A.D. Lewis:

I am very pleased to follow Deputy Le Fondré, because he just talked the Constables out of a job. I thought that was excellent. I thought that the Deputy was very keen on maintaining the Parish system but he made it very clear there that it is complicated when you have the Constables in the States, but the public have spoken twice about keeping the Constables in the States so the system was designed around that. What happened yesterday was Members had the opportunity to have a simpler system but maintain the Parish context, which is important to all of us, and they did not take that opportunity but it was close; 5 votes would have swung it. There are 2 things that have wrecked the opportunity for this Assembly to make the fundamental changes that Senator Ozouf has outlined in terms of democracy. That was Senator Farnham's well-intentioned but wrecking amendment because that created the dog's dinner that has been described by many. The opportunity to fix that and make it a gourmet dinner was missed yesterday by 5 votes. I think that is tragic really in the context, not in the context of many other things happening in the world, of course. That was the opportunity that was missed. Perhaps I did not sum up well enough yesterday. I was a little rushed; people were getting a little weary. Whether it would have made much difference I do not know, but the Deputy of St. Martin was very clear in his speech that without that amendment he could not support the muddle.

[10:15]

However, there was still a huge thing to gain and the Constable of St. Mary expressed similar concerns but still voted for the amendment because she saw, as many others did, an opportunity for step change. There is nothing that wrong with step change. People do not like revolutions. They prefer evolutions and Parliaments across the world do evolve; they do not change significantly. That is called revolution and people do not like that very much. If you keep harking back to Clothier, as many Members have in the course of this debate, and the foetal position, as the Constable of St. Mary calls it, when we come into that position and think everything will be okay if we had Clothier, that is not what we were debating. Clothier is something quite different. This was an amalgamation of all of those possibilities in the commissioners' report, all of those things were looked at, and the opportunity was there to be had, a compromise. The fact is that Clothier presented us with an opportunity to introduce ministerial government, in my mind a better system of government rather than a committee system that simply was not working very well. One can criticise ministerial government but that is what Clothier delivered. We cherry-picked from Clothier and that was the only thing of significance that went through from Clothier. That is how the States seems to work. It likes to do small bits at a time. So we had that opportunity today to make quite a large step, not a revolution but to create larger districts. That is a little step to some, a big step in my mind, a big step in the mind of Senator Ozouf and others that believe in a greater democratic process than we have today. We had that in our grasp yesterday. We still had it today because we could have made that little step, yet still including Senators for the time being, and it would have become obvious in subsequent elections that having those 3 categories of Members is hugely problematic and the results of those senatorial elections would have become obvious in terms of Deputies not standing in those seats and, of course, newcomers coming to senior positions or perceived senior positions as Senators. Then we will be sitting here with a new P.P.C. saying: "See what happened in the last elections. The prophecy was true. Now we need to look at that role too, that little step." That, at the moment, is lost, or is it? Is it possible in the next 2 weeks for P.P.C. to come back and say: "That Article which took out that one, got everybody going today, is there a way of resolving it?" Is there? Can we be creative enough so the public have been listened to in terms of the referendum, have been listened to a certain extent in terms of the work done by the scrutiny panel and we do something of significance to improve our democratic position? Today it looks like we are going to lose that. I think that is a really sad day for democracy in Jersey. I brought this proposition. It was not my proposition; it was a proposition brought by a previous P.P.C. chairman. All I did was acknowledge the result of option A as well as B and I did that for my constituents because I am a constituent politician. I reside in a large district, a super-constituency if you like. I already do. When I was knocking on doors in the election I was told by so many people ... in fact some doors were slammed in my face, metaphorically, because this Assembly, not everybody in it but this Chamber, had rejected the results of the referendum. "Why should I bother voting again?" I suspect that others will say the same in the next election. I cannot see a high turnout in the next election as a direct result of this, and other things of course as well, and that is a sad day. We had an opportunity to grab some of that interest back in politics and we have blown it and I think that is a really sad day for our democracy, that step we could have taken today. If there is any way that the P.P.C. Chairman can find to bring that forward, despite the restraint that we should observing of the Venice Convention, then I would urge him and his committee to consider that because we have lost today a huge opportunity to move forward with our democracy in Jersey and maintain the Parish system at the same time. That looks like it has been lost and I regret that and I am very, very disappointed, but I must applaud people for yesterday's debate. It was good natured to a certain extent. There were some excellent speeches on both sides, passion for politics. I would like to have seen more passion for democracy.

The Deputy Bailiff:

The issue is whether or not the Chairman's proposal to withdraw ...

Deputy A.D. Lewis:

I think I have said enough. Hopefully that resonates with the P.P.C. Chairman and Members. If anything can be done, I would be grateful to hear it.

2.1.5 Deputy S.M. Brée of St. Clement:

Like you, I was getting slightly confused as to where this debate was going. First of all, I will say quite clearly I will support the proposition to withdraw this proposition, the reason being it does not work. Also the people I represent in this Assembly have told me they do not support it. There can be guffaws and laughs and insults thrown around about those of us who voted against it but I think it is very important that those of us who voted against it have the opportunity to respond to the insults that are being thrown at us. We are not anti-reform but we want reform that works, that benefits everybody in the Island and is what everybody in the Island wants. The flawed referendum that the reformists cling on to like a lifebuoy was flawed and only 11.81 per cent of the population, sorry the eligible voters, voted for it. We are not gerrymandering either. The fact that some of us passionately believe in this Island, its people, the Parish system and its traditions is not gerrymandering and I find it particularly insulting to suggest that we are attempting to support such a system. We all believe in reform but not this. That is why we have to support the proposition to withdraw it. Most of the people that I have spoken to about reform who do not support this proposition also want reform, but it is not about voter equity and to suggest that we are supporting an unfair, undemocratic, inequality system again is wrong. I will support a reform that works. This does not. It is not what the people of this Island want. They want reform but they want reform that they, the voters, are involved in the actual government of this Island. They want a system whereby if we stay with ministerial government that they can vote for Senators who will be Ministers. Yes, we will need more Senators, fine, if that is how the system will work ... I am sorry, do you wish to say anything, because I am not giving way?

The Deputy Bailiff:

Deputy, if there are any remarks concerning your being interrupted, I will deal with matters.

Deputy S.M. Brée:

Certainly, Sir. My apologies. I think it is important that when we talk about reform, those of us who voted against this and are going to vote to withdraw the proposition are not labelled as anti-democratic, we are not labelled as being unfair. Just because we have a different view about what reform should be does not make us trying to support some undemocratic system. I frankly find it slightly worrying that during this debate we have heard some very passionate speeches, particularly from Senator Ozouf yesterday, but it was trying to instil in us a fear factor, a fear factor that if we did not vote for this everything was going to collapse, we were going to be the laughing stock of the world. All I would say is that in voting to support the withdrawal of this proposition, do not fear fear itself. This is not anything to be afraid of. The world will not end. It is not apocalypse that will happen tomorrow. But we have to have a reform that we, as an Assembly, overwhelmingly support and what has come out today is that we, as an Assembly, cannot support what is within this proposition, but that does not mean we do not support reform. Therefore, I would urge Members to support the proposal to withdraw this and all of us try and work together on speaking to our electorate, talking to the people of this Island, who we are here to represent, and trying to work together to come up with a system that the public of this Island will support.

2.1.6 Deputy R.J. Renouf of St. Ouen:

To those who have expressed such righteous indignation, I have to say that I will not be told how to vote. I will not be told that I should vote for something that I believe is so ill-considered and has no evidential basis and, moreover, for my part with such major changes that would be not submitted to

the public in a referendum. I cannot accept that I have voted in an undemocratic manner. I believe I have exercised my vote responsibly and I would urge that the only realistic option now is to withdraw this proposition and we continue the struggle to find a way, but this proposition, as brought by P.P.C. but essentially Senator Farnham's proposals, I believe is so ill-considered as to be unworthy of continuing.

2.1.7 Deputy M. Tadier:

I do think it is important that we listen to the voices that voted against this today, because I found myself in a position, perhaps, of one of the previous iterations where I could also not support what was being proposed by the mover of that proposition. In such situations when one feels quite passionate, there tends to be a kneejerk reaction to put up the defences and say: "I do not agree with what the others who voted a different way said" and you tend to think, being human, sometimes that there are nefarious reasons for that. I do not for any one moment suggest that there is not an element, both in here and in society, of deep conservatism that does not want any change whatsoever but I am reassured that over the past few Assemblies that things have been moving, I think, and there has been an acceptance that change is necessary and vital. We have heard some great words today and we have heard some monumental quotes or paraphrases. I was tempted to start by saying: "Ask not what you can do for democracy but ask what democracy can do for you", deliberately getting that the wrong way round of course, because there is a perception that in here we tend to look at how things are going to affect us and there is political manoeuvring that goes on. Getting back to the point, we should not blame anybody and especially the public who looked at this proposal, which I think fairly have been described as a dog's dinner or suboptimal as I called them truthfully when I have been talking to constituents. But there is a need for accountability and there does need to be some blame parked, at least an explanation for the constant failure of electoral reform in the previous 5 to 6 years. From my perspective, it is because there has been a complete lack of leadership again at the very heart of government. It is no coincidence that we have the head of the Government of Jersey and the person who chaired the Electoral Commission not in the Assembly today. We are being told that this is one of the most important votes that we have ever had, that this is the Last Chance Saloon, yet we have those 2 senior Ministers who want reform so badly, we are told, because it reflects so badly on the outside world, not in this Assembly discharging their duties of leadership about electoral reform but they are out there in that external world which is supposed to be looking at us. I am not being critical, because we all have to balance those demands, but I would suggest why is it that they are not here, especially on such an important debate when we can presumably have other people out there doing business for Jersey? Ultimately we are all politicians elected to this Assembly by Islanders and our first and foremost duty should be towards them.

[10:30]

But that is not the only criticism that I would lay at the door of the Chief Minister. If we want to understand this whole affair we have to go back to the fact that the Electoral Commission in 2012 was hijacked. We were supposed to have an independent Electoral Commission and that is what was voted for by this Assembly. Yet in 2012, and I am happy to circulate the vote, the States at that time in their wisdom decided to take out the word "independent" and it was for another States Member, Deputy Le Hérissier of St. Saviour No. 3 District, to try and put that word back in, but it was rejected by 22 votes to 25. Let us look at some of those who voted against having an independent Electoral Commission. It was Senator Ozouf, it was Senator Ferguson, it was Senator Maclean, it was Senator Le Marquand, Senator Gorst, Farnham and Bailhache, most of the Senators, 8 out of the 10 at the time. It was only Senator Breckon and Le Gresley who did not. We have got a list of 8 Constables who I will not read out because I do not necessarily remember who they were but we have got the Parishes written there. We had the Deputy of Trinity, we had

Deputy Noel who is in the Assembly, we had Deputy Green, Deputy Pinel who is still here, and we had Deputy Bryans and the Deputy of St. Peter, all the ones decrying the fact that we have not been able to get electoral reform through. It really does stick in my throat. Of course, we do not use these arguments during the main debate because we all want to win and we use the arguments that we think are not going to alienate anyone and we moderate our language, or some of us do. I think Senator Ozouf is confusing the word apocalyptic with apoplectic because yesterday we did not have an apocalyptic moment, he had an apoplectic moment and he seems to have calmed down a little bit from that. But when we have people saying we need something that is based on fairness, when you campaign for an unfair system during the referendum in 2013 called option B, which is based on inherent unfairness, and you can try and disguise it by saying we need to keep the Parish system in there, you cannot then later come to the Assembly, especially when you have tried to put an amendment in to muddy the waters again, and say: "Let us have Senators, super-constituencies and Constables kept in the States" but say: "I want fairness." It is like going on a diet and saying: "I want to lose weight but I am not willing to cut out carbs, I am not willing to cut out fat and I am not willing to cut out other forms of sweets but I will quite happily cut out fibre and protein. I am quite happy not to eat my greens and my sprouts. Do you think that will help me lose any weight?" No, because the principles from which you start are fundamentally flawed. When we have an Electoral Commission that has been hijacked from its very inception to say: "We want to have 3 people on here who are States Members who all agree with keeping the Constables in the States", you limit your chances from the very beginning for any meaningful reform. Why is it okay to say it is outrageous that we have a Deputy in St. Mary who is elected on a very small basis, when we have Senators in here, but it is perfectly fine to have a Constable in there representing a very small district. It simply does not make any sense and I think it has been touched on before. I do not think that you can find people who are anti-Parish, just because we do not agree with the current setup in this Assembly. It is a very historic position, of course it is. It dates back to medieval times and that should ring alarm bells. If something is allowed to exist from medieval times without any meaningful type of reform then I suspect it is not necessarily going to be automatically fit for purpose. If the Parishes really want to maintain their vitality it is important that they do evolve. The Parishes' lifeblood does not lie in this Assembly. It lies out there in the real world. I like the idea that you cannot see Parish boundaries from space. Of course you cannot. There are lots of other intangible things you cannot see from space. It does not mean that they are not real entities but there is, I believe, a potential crisis in our Parish fabric if we remain complacent and do not evolve. One thing that young people will not tolerate is unfairness. We have seen that across the world. We have seen one example of that in Jersey when we had the first unofficial gay pride rally, which was not really to celebrate gay pride although that was part of it. It was a protest about this Government's lack of being connected with the feeling of not just young people but anybody who values equality and unfairness. I am getting to the point of why ...

The Deputy Bailiff:

Yes. This is purely a debate about whether or not the chairman's proposition to withdraw is supported. Perhaps you could range a little less widely - and that is not a personally addressed to you, that is addressed in general to the Assembly - unless what is being said relates specifically to that.

Deputy M. Tadier:

In balancing up all these arguments, we need to think about whether or not the right decision to make today is to let this proposition be withdrawn or to carry on with the debate. I am not sure we should necessarily carry on with the debate because I probably will not have much left to say or indeed much energy or gusto to say it. So perhaps that is the direction I am going in. I think it is important to understand why we should allow this proposition to be withdrawn and it is not because

there has been some kind of attempt to scupper this, although I do think that there were different mechanisms that were used by people who did not want this particular reform to go through today and we have seen that. At least it has been expedited. At least we do not have to sit through a whole day. But what I would say to individuals is that it is fine to say that: "I want reform but not this reform" but now it is incumbent on those individuals who have said that to come back in short order with that reform. Again, that is not a criticism, because there was work going on in the background. It is not the first time that this has happened. Why do we allow a Back-Bencher to come forward with a proposal when P.P.C. were at the point of lodging their own proposals? That is due process. We have charged P.P.C. to come forward with something. We all sat in those lunchtime briefings with those multiple-choice buttons to come up with something that could possibly get through the Assembly. Again, it was not going to be necessarily designed perfectly from a blank piece of paper but it is something that at least stood a chance of winning. We did not allow the Privileges and Procedures Committee to present that. Now I would suggest and I would encourage, if time is on their side, that they do present that or that we do look at the 2013 proposals and that we do look at redistributing seats at the very minimum, so that some of the smaller Parishes, which are currently underrepresented, it is not just St. Helier, incidentally, it is the other Parishes that we heard about, can have their fair distribution of seats. On that basis I think it is absolutely important that we let this be withdrawn and that if something can come back it should come back. But I do not think we can get away from the fact that Clothier put something on the table that was independent, which had local input on it with respect to the Parish boundaries and start it from a fundamental principle saying one type of States Member elected in equal-sized constituencies and we have never put that to the public, have we? We will give them all sorts of nonsense to vote on that does not even make sense. We need proper leadership, somebody who can say: "This is what I believe; these are the principles which I espouse" and which can get some interest inside and outside the Assembly. Until we have that, then I think it is overly optimistic to expect any kind of change in this Assembly.

2.1.8 Connétable J.M. Refault of St. Peter:

I am afraid I am going to go a little bit wider of the mark. I will keep to the point as much as I possibly can. I intend to speak today because I did not speak yesterday. I went to press a button on a couple of occasions yesterday to speak, mainly on the fact that nobody was talking about the Parish system; they were all talking about the wider issues of the States and Deputies and Senators but nobody is focusing on the real values of what we all hold very valuable here in Jersey, is our Parish system.

The Deputy Bailiff:

On account of having indicated you intend to range wide, could I ask you to not range wide and focus very much on the proposition?

The Connétable of St. Peter:

Not too wide, Sir. No, I will be briefer than Deputy Tadier, I assure you of that. But certainly the accusations about it, I consistently voted against this change, this proposition that has come forward with these changes because I do not believe they work. They do not work in the best interests of Jersey. We are having a rush to the end within a year of an election to bring in something. We took 3 years to look at the changes in health. I sat on the Ministerial Oversight Group for 3 years for P.82 for the changes in health. We spent 2 years looking at the changes for the company we set up with Ports of Jersey and, equally, as much time as S.o.J.D.C. (States of Jersey Development Company). We spend more time really looking at and developing, what is it going to look like when it is finished with our entities that we look with the most important single thing that we have, which is our Government in Jersey? We want to rush to the end within a year without looking at

the implications, how it is going to affect people, how it is going to affect the real fabric of what we in Jersey are. I am really appalled to hear people in the Chamber yesterday saying, talking to people on the Commonwealth Parliamentary Association and others, that they did not understand what we were. I have been to many of those and I have spoken at length about our parochial system and how it works within the bigger system of Jersey Government and they are surprised that: "We wish we had something as close as that for us where the people have real power and they can talk and make decisions about where they live in their own Assemblies." I know people over there are pulling faces and laughing but that is what I get. I spoke on behalf of the previous Greffier to a group of 2 dozen speakers from the Commonwealth countries in St. Peter's Parish Hall about a parochial system and they were astounded how well the people were represented and how they could put their voices forward. It is those things which, for me, are so important that I cannot support this easy sort of split, just brush it aside and change it to something else. Goodness knows, in everything I have done in my working life, my private life and my professional, I have been the champion of change and many people will tell you that. I am not frightened of change; I embrace change, I welcome change. I want to be part of change. I want to be part of something that is changing now in this Chamber going forward and I am happy, even after I step down next year, next May, I will be happy to work on behalf of this Government, finding a solution to bring the right picture, have all the right things in place, have all the memorandum of understandings properly gone through and how things will work. Deputy Tadier a few moments ago, he spoke about the unfairness and about the Constables: "We will never have fairness while we have Constables in the States on voter equity" and he is right. I am of the view within 10 years that Constables will be out of the States. This is just a step change to where we will be with the Constables out. But that is not necessarily disaster; we need to plan what we want that end game to look like, what will be the role of the Constables if they are not sitting in this Chamber? They may be sitting next door in a separate Chamber doing something else. But what we have not done, we have not looked at a name. We have not looked at an objective. What do we really want and how do we get there? This does not do it for me. I am very happy to support the proposition to withdraw.

2.1.9 Deputy R. Labey of St. Helier:

I am not sure whether to support the proposition to withdraw or whether it would be better to play it out and vote on it and kill it so that we do not have son of Andrew Lewis and son of Lyndon Farnham limping back into this Chamber because it is too late to change now. It is too late to explain to the people who do not understand what we are doing, seek their mandate and it is too late for the next election. I am sorry, before I take any further castigation or lectures, I went to every single one of those meetings that P.P.C. held early in this parliamentary session, which were researched, extremely well presented. There were very good officers working with P.P.C. scientifically putting options to us. We all had voter buttons like television control things and we voted on it and a pattern began to emerge. I thought it was an excellent approach. I went to every single meeting and at the last one I sat with the Constable of St. Clement and I said: "I think you are on to something here." Because, surprisingly, the most radical option got a lot of support and there was not a single Senator at that meeting, it was before the lady, Senator Ferguson, was re-elected but there was not a single Senator at that meeting. I thought, well, you are on to something because I think that Senators might go for this; you might be on to something and then there was nothing. We heard nothing. It had disappeared like morning mist on the summer equinox, gone. I sought out the Constable of St. Clement and said: "What has happened to that?" "Well, we cannot reach agreement on P.P.C., we cannot reach agreement." The inference was, as a matter of fact he is not here to defend himself, that Senator Ozouf had swanned back in for a rare appearance and wrecked it. Him not tell me that I am stupid or working on self-interests or in the Last Chance

Saloon, it is not my fault because if P.P.C. had completed that work, if he had compromised with the rest of P.P.C., brought that proposal ...

[10:45]

The Deputy Bailiff:

Deputy, Deputy, I think it is ...

The Connétable of St. Clement:

Sir, that is grossly unfair. Senator Ozouf has been totally supportive of proper reforms there and I think to suggest that he wrecked this is totally unfair, particularly as he is not here to defend himself.

Deputy R. Labey:

I withdraw that and apologise unreservedly.

The Deputy Bailiff:

In which case ...

Deputy R. Labey:

That was the rumour mill.

The Deputy Bailiff:

Yes, well I think it is a very dangerous thing to deploy the product of the rumour mill in this Assembly. In fact I would urge Members not to do it.

Deputy R. Labey:

Well, as I said, I am grateful.

The Deputy Bailiff:

Similarly, I appreciate you feel very passionate about these things and you were expressing yourself in a very passionate way. But, please, could speeches be directed as to whether or not the proposition to withdraw should be accepted?

Deputy R. Labey:

Yes, well I did start with that, Sir. Did you notice my ...

The Deputy Bailiff:

Yes, but then when one goes beyond it and one runs a risk of becoming irrelevant to the point.

Deputy R. Labey:

Okay. Well, I am sorry but I will draw to a conclusion, I just want to address the ... stupid I may be but self-interested, no. These proposals would have doubled my chances if I seek re-election and there are plenty of Deputies here who would have gone for the rob St. Peter to pay St. Brelade option, which would have been slightly more risky. Be very careful, I think, people, when you throw around the self-interest accusation. At the end of the day and having been to a couple of the meetings held by Deputy Le Fondré's committee, I do not have a mandate. I was elected 2 or 3 years ago. I do not have a mandate to get rid of the Senators, end of and it is too late to do something now before 2018. We should have a referendum and we should explain things to people much more clearly. Our communications, as usual, are appalling.

2.1.10 Connétable J. Gallichan of St. Mary:

I would just like to say, I completely understand what you said about sticking to the bones of this simple proposition but things have been said and were said in earlier speeches and I know there is a need to counter some of them. But I would just like to say, the easiest way to do it, I agree exactly with what the Deputy of St. Ouen said. I am not elected to be a sheep and just to follow blindly. I am elected to make the right choice. I made my choice yesterday; unfortunately it did not find the majority moving on today. What I am planning to say is to say to the Constable of St. Clement and in his role as chair of P.P.C., that I am sorry he is in the position he is and I am sorry that my vote this morning helped to put him into this position. I know how it feels because I, of course, as chair of P.P.C., was put in that position several times myself. I just want to very briefly say that if we are to be able to reform ourselves as an Assembly from within the Assembly, we must hand the responsibility unfettered for that to P.P.C.; the hybrid committee drawing on both sides of the Assembly. It is their responsibility and we need to allow them to do it. We need to allow them to promote a package or perhaps if they cannot promote a package, a series of reforms to explain the exact implications of them and then to have the discipline to debate them unamended. I say this because throughout this debate this morning, throughout debates that led up to it recently, the element of uncertainty, of lack of clarity, has been the thing that Members have most often pointed to. What will happen if? How do I know if I do this, that I will not be cutting myself off of something further off down the line? The way to do that is to let P.P.C. bring something forward, to debate it unamended, so we can have the debate, so we can adopt it or reject it as purely on its merits but in an air of clarity and certainty of what the proposals mean. Because unless we do that I think we will always get to a position where people are uncertain about the amendments because amendments, by their very nature, make fundamental changes and unless we know the exact implications we will never get anywhere. I am sorry, chairman, that you are in this position. I believe you have no alternative but to withdraw and I am deeply saddened that we will not get anywhere. But I have acted on my conscience and, unfortunately, it has led to this situation.

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

I will rise just to correct the previous speaker from St. Helier No. 1 District, who suggested that Senator Ozouf spoiled things within P.P.C. But his fine words today, the fine words of Senator Ozouf, were very moving and very, apparently, heartfelt but one has to, rather than look at his actions within P.P.C., look at his voting record and he has saved the Senators' skins on a number of occasions. He brought an amendment to this proposition, which also saved the Senators and judge ye by actions, not by words. I find it ironic to be standing here today as one who has compromised, is my firm opposition to Constables in the States. I have compromised and compromised as time has gone on. We have, reluctantly, accepted the place of Constables in the States, even though it ruins and plays havoc with the fairness principle that we are trying to move towards. I look at the vote today and I say "and what happens as a result of that compromise?" The Banc des Connétables have wrecked another ship, as they often do. As far as I am concerned, my compromise over the years to accept the Constables here is made null and void by that, the battle begins afresh. Because if that is the bulwark against all change and that is what we saw today, the gathering together of 300 different reasons to object to this particular change because it is change per se; that is what we have witnessed today. I have witnessed it 3 or 4 times in my time in this Chamber 14 years, each time we end up with that same feeling of sick and sad disappointment, that this body of people, of which I am a part, cannot make that step and say, okay, after 70 years, after 200 years, let us draw a truce on the battle between St. Helier and the country Parishes. First time in 200 years, let us have a look and see if what we have been using for the last 70, 80 years does what it says on the cap. Does it fulfil its function? Time and again, and this is an example of it, this Chamber says: "No, we will not go there. We do not want to examine the way in which we work at all; reject all change." I have had enough of that and we will see what happens over the coming time. Here I do agree with the words of Senator Ozouf, we have to embrace change. It has

to happen. I believe in a number of months' time when the Commission has reported, they will absolutely rip us apart in terms of what we do, not what we say. Reluctantly, I have to accept today we have got nowhere, absolutely nowhere, and that probably the best way forward is for the chair to withdraw this particular proposition.

2.1.12 Deputy J.A. Martin:

I will be very brief because, unless I am mistaken, this started probably about an hour ago now, I think, which I thought we were going in for a very short debate. When Senator Ozouf stood up and said: "We are at the Last Chance Saloon and can we basically make up legislation on the hoof?" Because this does not fit anything; the rest of it says you will then split to 6 districts and you will have 28 Deputies. We just voted that out. But somehow now we are having this massive long debate and people are speaking today who could not be bothered yesterday or did not have time and nothing about, are we going to allow this to be withdrawn? We are in a situation, it does not work, we cannot make it up as we go along and you have to let the chairman of P.P.C. withdraw this because, as I say, it is legislation. It is there in writing, it cannot be passed. We have just voted it out. I cannot go on as long as everybody else, I am sorry, but I think that is quite a sensible statement.

The Deputy Bailiff:

Does any other Member wish to speak on the proposition to allow the chairman to withdraw? Chairman. Sorry, I beg your pardon, I did not see your light there, Deputy Norton.

2.1.13 Deputy M.J. Norton of St. Brelade:

Sorry, Sir, the mace was in the way.

The Deputy Bailiff:

Yes.

Deputy M.J. Norton:

Nothing inferred by that, thank you. I rise to support the chairman in the withdrawal of this, reluctantly. I did comment yesterday and I have made comments since that I thought yesterday was a sad day for fairness and equality of political representation and I still stand by that. I do take note of Deputy Tadier's conciliatory remarks of people should not be made to feel guilty for the way they voted, absolutely not. But on the point of democracy and democracy has spoken; the vote was taken yesterday, the vote was taken this morning, democracy has spoken. But, of course, the fundamentals of that democracy is that everyone in this Chamber should be elected proportionally by the similar amount of people and they have not. The very basic foundation on which we base our democracy is flawed. We all know that, some of us just do not accept it at the moment. But going back to the conciliatory manner of Deputy Tadier, which I thought was really important, he said that those that voted against these reform changes should be an integral part of making sure that reform changes come forward in the format that is for them as well. I include people like my good friend here, Deputy Brée, because it is really important that the voice of those people who said they wanted reform, said they would vote for reform if it was the right form of reform that fitted everybody, that they have a voice in all of this. I would ask the chairman of P.P.C. to, please, engage, as I know he has been for so long, with some of those people not that just supported but those that did not support, so that we can get some reform in really short order. Just to explain the C.P.A. comment that I made yesterday that was then taken out of context by the Connétable of St. Saviour, who said: "If you are so embarrassed, why did you stand?" I stood, like many others in here, to make some changes, not for it just to be the same. If I was embarrassed at C.P.A., it was not a C.P.A. conference, it is part of what I am in the middle of at the moment, the contemporary issues of strengthening Parliament and initiating reform. It is with the McGill University in

Canada; it is very difficult and I am right in the middle of writing a whole piece at the moment on exactly this subject. Thank you, you have given me plenty to write about. But some of the pointers from the fellow parliamentarians from around the Commonwealth who I have been discussing this with over the last 3 months have been on exactly this subject, on reform, how we make it balanced, fair, equitable for all of the people of this Island. No matter what anyone says about their representation and the fact that they are representing the people that voted them in, if the people that voted you in were more or less than someone else, then the complete pillars of democracy are slightly wobbly, are slightly askew and we need to make sure that they are absolutely straight. Reluctantly, I do support the chairman's proposition to withdraw but I would say, please, please, can we come back as soon as possible with decent, honest, fair, equitable representation and reform for the people of this Island because until we have that we do not have democracy.

Senator L.J. Farnham:

Sir, I just wanted to put something on record, if I may, in response to Deputy Lewis's ...

The Deputy Bailiff:

No, sorry, Senator, did you want to make a speech?

Senator L.J. Farnham:

It is in relation to this, Sir.

The Deputy Bailiff:

Have you made a speech already?

Senator L.J. Farnham:

It is in relation to the withdrawal of this proposition, which might not have been ...

The Deputy Bailiff:

Very well, this is your speech, yes.

2.1.14 Senator L.J. Farnham:

Yes, Sir. Yes, it is, thank you, might not have been necessary. When I brought the amendment to Deputy Lewis's proposition, it was done with a genuine intention to find a compromise for a way forward. As I said then and I maintain now, the decision by the States to reduce the number of Senators, without the endorsement of the public, was simply wrong. Part of my amendment was that whatever we agreed in this Assembly we had the courtesy and the decency to take to the public by way of referendum. I cannot help but reflect that had we stuck to our decision of February, had we not tried to amend it again now, had we have voted to have a referendum later this year, we might still be on track.

[11:00]

I just wanted to put that on record. I am disappointed we are not moving forward and I will be supporting the chairman of the P.P.C. to withdraw this and I hope something can come back in the future.

The Deputy Bailiff:

Does any other Member wish to speak? I call upon the Chairman.

2.1.15 The Connétable of St. Clement:

I hope Members will recognise that I proposed the withdrawal, not because I think the draft amendment is wrong, it is not wrong; it is what the States asked us to bring forward but without

Articles 2 and 3 approved, Article 4 does not work, therefore, it is just not sensible for us to carry on with the debate and I maintain the proposition to withdraw.

The Deputy Bailiff:

Very well, those in favour of the proposition to ... The appel is called for. I invite Members to return to their seats. Members have had the opportunity of returning to the seats, I ask the Greffier to open the voting. The voting is whether or not to accept the proposition of the chairman of P.P.C. to withdraw this proposition. I ask the Greffier to open the voting.

POUR: 30

Senator A.J.H. Maclean
Senator L.J. Farnham
Senator A.K.F. Green
Senator S.C. Ferguson
Connétable of St. Clement
Connétable of St. Peter
Connétable of St. Mary
Connétable of St. Ouen
Connétable of St. Brelade
Connétable of St. Martin
Connétable of Grouville
Connétable of St. John
Connétable of Trinity
Deputy J.A. Martin (H)
Deputy of Grouville
Deputy J.A.N. Le Fondré (L)
Deputy of Trinity
Deputy of St. John
Deputy M.R. Higgins (H)
Deputy J.M. Maçon (S)
Deputy S.J. Pinel (C)
Deputy of St. Martin
Deputy R.G. Bryans (H)
Deputy of St. Ouen
Deputy S.M. Wickenden (H)
Deputy S.M. Bree (C)
Deputy M.J. Norton (B)
Deputy T.A. McDonald (S)
Deputy of St. Mary
Deputy G.J. Truscott (B)

CONTRE: 10

Senator P.F. Routier
Senator P.F.C. Ozouf
Deputy G.P. Southern (H)
Deputy J.A. Hilton (H)
Deputy M. Tadier (B)
Deputy of St. Peter
Deputy S.Y. Mézec (H)
Deputy A.D. Lewis (H)
Deputy R. Labey (H)
Deputy P.D. McLinton (S)

ABSTAIN: 0

3. Draft Income Support (Amendment No. 15) (Jersey) Regulations 201- (P.23/2017)

The Deputy Bailiff:

Very well, we now move on to the next item of Public Business, that is the Draft Income Support (Amendment No. 15) (Jersey) Regulations. If Members recall the La Collette Low Rise has been moved to the end of the list and I ask the Greffier to read the citation.

The Greffier of the States:

Draft Income Support (Amendment No. 15) (Jersey) Regulations 201-. The States, in pursuance of Articles 5 and 18 of the Income Support (Jersey) Law 2007, have made the following Regulations.**

3.1 Deputy S.J. Pinel of St. Clement (The Minister for Social Security):

In March of this year States Members were asked to approve legislation to allow for an expansion in one area of the income support system, to provide more financial support for people receiving care in their own home. In particular, this will be of benefit to existing clients of Family Nursing and Home Care following changes to the funding structure of F.N.H.C. (Family Nursing and Home Care). There was strong agreement among Members that it is essential for our community and that existing clients of Family Nursing and Home Care remain supported while the organisation changes the way it delivers its services. I am pleased to note that the Minister for Health and Social Services has agreed that all existing home care clients of Family Nursing and Home Care can choose to benefit from subsidised care until the end of this year. After that, Family Nursing will charge them a market rate comparable to other providers in the Island, although other activities delivered by the charity will continue to be fully funded by Health. Nonetheless, Jersey will need to have in place a scheme that can support those individuals who need financial help with the costs of a care package in their own home. Working with my colleague in Health, we have developed an extension to income support that will provide this financial support to low-income households. We are creating a new provision, one that helps with care needs that are below the level at which people would have previously qualified for the Long Term Care Scheme. It will support those people who currently benefit from Family Nursing and Home Care subsidised care package but also, for the first time, support households who need a comparable care package delivered by other providers. The assessment of care packages will be undertaken by health professionals who are also approved under the Long Term Care Law. This was made possible by the approval of changes to the Income Support Law in March and the care package and assessment will follow the same pattern as already used for the Long Term Care Scheme. This is separate to the existing assessment within income support, which helps more with more general lower level costs by assessing, using a set of agreed statements. Depending on the level of personal care needed, that income support component is set at a fixed rate amount between £23 a week and £145 a week. There are no specific rules as to what the money must be spent on. The new component will not be allocated a fixed amount of money and cover costs of up to £350 a week. It is specifically designed to support someone who needs help from an approved care provider to support them with everyday tasks on a regular basis. The healthcare professional will undertake a full assessment of the person's care needs and will put together a formal care package that takes these needs into account. This new flexible personal care component will then be set in line with the actual cost of that care package. This is similar to the way long term care supports people who need care in their own homes. The flexible personal care component does not replace the help available from income support and a person with care needs that do not require support from an approved care provider will still be able to claim under the income support system. The first recipients of the new component are likely to be some of the Family Nursing and Home Care clients who have previously received subsidised care packages. Although these people can choose to remain on the subsidised rate until January 2018, any low income person who needs a formal care package will be able to apply for the new component from 1st July. Today Members are asked to approve the final piece of legislation required to enable the support for low income households. In March the Assembly approved amendments to the Income Support (Jersey) Law 2007 which made provision for the broad scope of this proposed change. The Regulations before the Assembly today establish the details and administrative details will be set by order. I maintain the principles.

The Deputy Bailiff:

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles? The Deputy of St. John.

3.1.1 Deputy T.A. Vallois of St. John:

I thank the Minister for bringing this back. I just want clarification with regards to the assessing, in terms of requiring them to be assessors. Why is it that a healthcare professional has to be trained in assessing or having a requirement to be an assessor? Is it just the case that they have to be shown how to tick certain boxes or is it a case that they can use their professional qualifications, the professionalism in being able to determine that that person has got a need? Because the concern that I have with regards to this is, as somebody with a chronic illness, is the amount of different people you have to go through in order to be determined in probably what will be the same way as the original person right at the beginning who may be the health practitioner in the first place, just to read their professional qualification. I would just like some clarification because I do not particularly like the idea of just adding more bureaucracy on for the sake of it.

3.1.2 Deputy G.P. Southern:

While I welcome this addition to the benefit system, it is obviously a gap that existed and was noticed, a gap between the cost of care above £150 a week up to £350 a week was completely absent from her system. The Minister is to be congratulated for spotting this and building something to cover it. However, what we have, what we have ended up with is a 2-tier system. We have the new long term care system, which has this new flexible and relatively lower level award up to £350 which is assessed by healthcare professionals or social workers using an algorithm; do not ask me what that is, it is a complicated system that balances professional judgment and abilities and capacities. It is assessed in one particular way and must be spent on care. It is not a benefit in a sense of it is awarded to a person, it must be spent on care. With what happens at the moment, under the income support system, 3 levels of impairment, 1, 2, and 3; 1 which is up to £20 a week, level 2 which is £100 a week, level 3 which is around £150 a week, depending on the individual's capacity. That is assessed using D.W.P. (Department of Work and Pensions) guidelines, assessed by officers within the department without any medical training and is flexible. The person in receipt of level 3 may choose to spend it on care or may say: "I would be better off using it for my taxi fares" or whatever they like. The 2 systems are completely different. My worry is, is there a mismatch between the new flexible care assessment over £150 and the up to £150 level-3 impairment? Is there a mismatch? Is it possible that somebody currently on level 3, if reassessed, would be on level 4 or *vice versa*? Because the 2 systems are so completely different it is hard to tell. Only experience, I think, will tell if that transition from one to the other is accurately mapped on both systems and that is obviously a problem. It occurs to me that if, in the course of my duties or anybody else in this Chamber in the course of their duties, they come across somebody with an impairment with a need for care, the question arises, where do I go first? Do I go to income support and say: "Let us assess this person on one scheme" or do I go to the professionals who are using a completely different scheme with more available and go to them and say: "Please, can you conduct an assessment, where is this person on the scale of how much they need and under what conditions should they have an award?"

[11:15]

My worry is that, is this 2-tier system a valid system? It may well be, it may well be but my worry is that it is not and that there is either an enormous gap between the 2 systems or an overlap where still between the 2 systems and how do we judge that? That comparison is a problem. The fact is that if you were designing, and we had this argument earlier today, a system from scratch you would not end up here with this 2-tier system; you would end up with a single system to assess either impairment or capacity or need because the 2 systems are different. The one measures need and then attaches a sum to it, the other measures impairment, which is a fairly stock tick-box scheme, not an easy one to handle and one that is judged by non-professionals. There are questions around that in a sense of if you were starting from scratch you would not arrive here; you would have a single scheme that worked through all the levels. I wait with a modicum of anxiety to see

what happens as time goes by. Perhaps 6 months down the line, I would like to see the Minister come back with an assessment 6 or 9 months down the line to say the system is working perfectly or, we have a problem here, we need to revise this in some way to make it fit people. Because it is no good having the best benefit system in the world if it does not fit need and fit the people and that is my worry. I would like to see the Minister back at some stage with a report to say it is working well or not.

3.1.3 The Connétable of St. John:

I congratulate the Minister for bringing this, which fills, I believe, a gap in the system. However, as she was introducing it, the Minister said that they would need the services of a registered care provider, as opposed to a qualified carer. This causes me very great concern because if the individual or the family of the individual have to go to the services of a registered care provider, it is about twice the cost of just being able to have a qualified carer who can come in on a self-employed basis to assist the individual. Naturally, it is not very good use of public money if that is the case.

3.1.4 Senator A.K.F. Green:

First of all, I would like to start by thanking my colleague, the Minister for Social Security, for bringing these Regulations. There was a gap, there was very clearly a gap between those who were on the Long Term Care Scheme and those who were on the personal care component. There was a very clear gap. The Minister saw that, working with us, and brought this proposition. I would just like to pick up on a couple of points, the Constable of St. John mentioned the registered care provider; that is where we are at the present time. It is not twice the price, it is normally about 15 per cent, 20 per cent dearer because you are covering things like insurance, you are covering things like C.P.D. (Continuous Professional Development) and that is important that those things are done. But I do know that this is under review by the Scrutiny Panel looking at an alternative care scheme and so I look forward to seeing their review on these things. Meanwhile we have a gap and we could either choose not to fill that gap or we can choose to help those people who need our help at the moment. This proposition shows, I think, the co-operation between our 2 departments. The 2014 Long Term Care legislation provided support for those at high level but, as I said, not at the lowest level. Those on the highest income support component receive at the moment about £145 a week and will be receiving a bigger figure, as described by the Minister, a figure of £359 a week if they are on the top part of this low-level care. The proposal means that the financial assistance is better for those who need it. It is targeted at those that need it. For low-income families Social Security is best equipped to take the financial assessments; they have the I.T. (information technology) system to do that. H.S.S.D. (Health and Social Services Department) and their experts are best to help to assess the patients' needs or the customers' needs. This is not a case of passing the problem over to Social Security because we will be transferring part of our budget to help to fund this. People who have not assessed care needs will be firstly put in touch with Social Security to have their assessment for their income support. If they require financial assistance, then they will be assessed. I thank the Minister for bringing this forward. I think this is a great improvement for those that are most vulnerable in our society. Maybe it is not perfect but it is a great improvement while the Social Security Panel are looking at the way forward and the Minister herself is carrying out several reviews as well. I urge Members to support it.

The Deputy Bailiff:

Does any other Member wish to speak on the principles? I call upon the Minister to respond.

3.1.5 Deputy S.J. Pinel:

Thank you to the Deputy of St. John who asked about assessments. As I mentioned in my opening remarks, assessments will be done on the basis of the same as long-term care and the assessments

are done by professionals, by care assistants and nurses and, in some cases, doctors and will be done on the same basis as that. This is really for a very low level of care that we are looking at here. It is one that does not fit into long-term care; it is a much lower level of care that is required and the assessments are done professionally. As you mentioned, I think, a sort of tick box, it is similar to that, to work out what the level of care required is, as much as what the future care needs might be. In answer to Deputy Southern, thank you very much, first, for congratulations twice in my very long political career. It is a bit of a 2-tier system and I understand what you are saying but we would not be here if it was not for the situation with Family Nursing and Home Care. Just to level out what could be a bit of confusion, you referred to this flexible care component as level 4, which is why we got it specifically labelled as flexible care because personal care levels 1, 2 and 3 increase with the increase in care and costs needed, so we changed it from level 4 but that is how it started out. Experience, basically, will tell what the transition will be. It is impossible to estimate how many people at the moment will call on this in the future. We set out the timings; that it can start in July this year to claim on it and then be fully operational by next January, so it will be quite clear then how well it is working. The Connétable of St. John: a registered carer or approved care provider, similar things, and a qualified carer can register. It does not stop a qualified carer from applying for this. That is it. I thank the Minister for Health and Social Services for his comments and hope that the Assembly will support the principles.

The Deputy Bailiff:

All those in favour of adopting the principles? The appel is called for and I invite Members to return to their seats. We will try and operate the electronic voting system initially and we move back to that; if we cannot do that then we will go to the appel nominal. Members have had the opportunity of coming back to their seats, I ask the Greffier to open the voting.

POUR: 36		CONTRE: 0		ABSTAIN: 0
Senator P.F. Routier				
Senator P.F.C. Ozouf				
Senator L.J. Farnham				
Senator A.K.F. Green				
Senator S.C. Ferguson				
Connétable of St. Helier				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy M. Tadier (B)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy S.Y. Mézec (H)				

Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

The Deputy Bailiff:

The Deputy of St. Ouen, does your panel wish to call this in?

The Deputy of St. Ouen (Chairman, Health and Social Security Scrutiny Panel):

We have received briefings as a panel, Sir. No, we do not wish to call it in.

The Deputy Bailiff:

Thank you very much. How do you wish to propose the Regulations then, Minister?

Deputy S.J. Pinel:

En bloc, please, Sir.

The Deputy Bailiff:

Very well. Are the Regulations seconded? **[Seconded]** Does any Member wish to speak on the Regulations? All those in favour of adopting the Regulations, kindly show. Those against? The Regulations are adopted. Do you propose the matter in Third Reading, Minister?

Deputy S.J. Pinel:

Yes, please, Sir.

The Deputy Bailiff:

Seconded, Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? All those in favour of adopting the Regulations in Third Reading, kindly show. Those against? The Regulations are adopted in Third Reading.

4. Chief Minister: Term Limit (P.24/2017)

The Deputy Bailiff:

The next item of Public Business is the Chief Minister: Term Limit, P.24/2017, proposed by Senator Ferguson and I ask the Greffier to read that proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion - (a) no person shall be elected to the office of Chief Minister more than twice, (b) no person who has been elected to the office of Chief Minister, or acted as Chief Minister, during an electoral term to which some other person was originally elected Chief Minister, shall be elected to the office of the Chief Minister on more than one subsequent occasion and (c) to request the Privileges and Procedures Committee to bring forward amendments to the States of Jersey Law 2005, as well as any necessary Standing Orders changes, to give effect to this proposition before the end of 2017.

4.1 Senator S.C. Ferguson:

When I originally penned this proposition life was trundling along in a gentle uncontroversial manner and it was an ideal opportunity to discuss the topic of limited terms with no personal rancour; what a lot can happen in 8 weeks. As the Members will doubtless all know, I was a great admirer of Baroness Thatcher. I was also not an admirer of Tony Blair. But I do wonder whether their legacies might have been more admired if they had retired after their second terms. There have been comments made likening the role of the Chief Minister to British Prime Ministers, where the term of office is decided by the party, rather than by statute. This has been proposed to be a reason for not stipulating a finite number of terms for the Chief Minister's post. The Chief Minister said something to the effect that he is elected by his fellow States Members and he would not be elected if he had lost their confidence; now there is a thought. We will, no doubt, hear of the examples of British Prime Ministers who were in posts for a considerable number of years, harking back to the 19th century and so on. But I think we have to remember that up until, I do not know, I suppose about 20 or 30 years ago life was a great deal less frenetic, communication was less frenzied and less frequent. In the early days there were no telephones and until Peel invented the postal system letters were sent by systems depending on horses and carts and stage coaches and so on. There was plenty of time to think about matters and to make decisions and discuss matters with one's colleagues. Senator Green was on the radio recently commenting on how busy the Chief Minister was but does that give a Chief Minister time to think? I am told or I understand that today he is apparently off to China. I stand to be corrected because things seem to change so quickly and it appears it is Paris. There was a story that in a couple of weeks' time he is off to Japan but, again, I have not seen the itinerary, I would not know.

Senator P.F. Routier:

Sir, would the Deputy just give way for a second?

Senator S.C. Ferguson:

I beg your pardon, Sir.

Senator P.F. Routier:

It is really just putting out all these rumours and repeating rumours that have been picked up from I do not know where. It is just not correct. I mean the Chief Minister is doing something very valuable today for our Island community in Paris and we should be thankful that he is able to do that for us. But, as far as these other trips are concerned, there was a trip to China on the offing but Japan certainly not.

The Deputy Bailiff:

Senator, I think it is legitimate to ask for clarification and provide information but to characterise it as valuable for the community, I think moves into the area of the speech.

Senator S.C. Ferguson:

I apologise for misleading the House. Perhaps if the Chief Minister published his itinerary, much as the Queen does, then perhaps we might get the story correct.

[11:30]

But with all this geographical movement it does not give you time to consider anything in depth and to assess the quality of the information that is being given to one. There is also a philosophy that limiting the terms prevents the leadership role being transmuted into a directorship, as seems to have happened in Russia. However, I think Members perhaps would like to remember that the Comptroller and Auditor General is appointed for 7 years only. As I have said in the report, the

Lieutenant Governor is, by custom, only appointed for one term of 5 years. The chairman of the Appointments Commission has recommended in the report of the Appointments Commission that senior appointments are for a maximum of 9 years. But in a recent re-appointment to the Commissioners of the J.F.S.C. (Jersey Financial Services Commission) she recommended limiting the re-appointment to one term. In other words, the appointees were being limited to 2 terms. She also commented that the Commission has been consulted on the extension of the term of office for a range of posts, including the Tourism Development Fund, the Criminal Injuries Compensation Fund and the chair of the Independent Safeguarding Board. In each case the Commission advised that the standard practice was not to exceed 9 years. She also said that the most common query that the Commission received from independent bodies is about the term office of board members and non-Executive Directors. She is saying that in accordance with standard U.K. corporate governance best practice, the maximum length of appointments should not exceed 9 years in total, including any period on a Shadow Board. So that a lot is being said about and recognising the fact that if you are in a senior position subject to the stress and strain of such a position, then it is realistic to look at a limited term. For instance, it is a well-established principle in auditing that firms are rotated every 7 years and this is a principle designed to prevent too much familiarity between the auditors and the company. There is also, anecdotally, an ancient Chinese proverb, at least I think it is Chinese, after my geographical meanderings I do wonder but there is a proverb: "Remember to retire in time." As a corollary to this, the structure of the organisation should be such that if the Chief Executive Officer is hit by a bus, there should be a succession plan and business should continue with no interruption. This Assembly has long lamented the lack of succession planning. The development of limited term appointments will force the appointees to do something about succession planning. It is well recognised in business that it is incredibly difficult for anyone in a leadership position to retire. In my report I have mentioned the 3 stages of leadership; your first term enthusiasm and energy, your second term you are getting a bit stale and your third term you are getting burnout, which could be translated as enthusiasm, free-wheeling and assumptions of superiority or believing your public relations. But how are these identified if there are no limits to a term of office? If the C.E.O. (Chief Executive Officer) has no limit to the number of terms of office, then who will tell them when it is time to go? If they are told it is time, will they? Will they cling to power? Business schools and certainly my business school have some case studies regarding terms of office and time to retire. One of the classic cases is the business started by an entrepreneur. The critical time is when the business has grown to a point where it needs a formal management structure but the founder cannot recognise it. Who tells them and will they listen? This is one of the reasons I was hoping that a proposition like this one could be discussed at a time when there is no electoral frenzy and it can be considered rationally. There is a case for limiting the terms and it must be discussed rationally, unemotionally and impersonally, no personalities. I am extremely disappointed by the comments provided by P.P.C. I have never known the Connétable of St. Clement produce such a stilted and unimaginative piece of writing. He is usually very much more apposite. In the comments we have a long perambulation about the differences between Presidents and Prime Ministers and it has totally ignored the fact that in this day and age term limits are being prescribed for leaders of business and public services. Furthermore, the fact that our own Appointments Commission are recommending to encasing the period of employment in senior posts in the States organisations has also been ignored. I am also sorry that P.P.C. have not picked up the best part of the ancient Greek elections. Voting slips were pieces of pottery and not only were you allowed to write the name of the candidate but you were also permitted to include rude comments about the candidates, which I think might enliven elections nowadays. I hope very much that the Assembly will see that this is not a personal attack. This is purely a practical addressing of a problem which is recognised in the wider world and that people will support my proposition and I make the proposition, Sir.

The Deputy Bailiff:

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

4.1.1 Senator A.K.F. Green:

I was not going to speak quite yet, I was going hold back, but I have never heard so much hogwash in my life. For me the choice of Chief Minister must be regarded on their skill, not on their age, not on their colour or anything else; on their skill to do the job. I would want the best person in this Assembly to be picked to do the job whether they have been Chief Minister twice, once or never. The fact that the Chief Minister is busy is not a reason to limit his term of office because with that busyness comes experience. The Senator said that some of us would be quoting from the U.K. Prime Ministers and, of course, Baldwin and Gladstone both served 3 terms and served 3 terms for the U.K. I think very well, regardless of what their political persuasion was. There is a question that people might like to ask, and I do not want to get too personal, but there is a question whether United States of America might be in a better position if the previous President could have stood for a third term. To suggest that the longer you are in office the less likely you are to be able to tell the quality of information is hogwash. To suggest that the Chief Minister ...

Senator S.C. Ferguson:

Sorry, is that a parliamentary word?

The Deputy Bailiff:

I was just pondering on that myself. It is a word in the vernacular. I do think it is offensive. It is simply an indication that a strong view is held that what was said is not. I think there are worse words than “hogwash”.

Senator A.K.F. Green:

I think it is akin to a dog's dinner. To suggest that it is similar to auditing is rubbish, absolute rubbish. The reason you change auditors regularly is because you do not want to have your auditors going native with the chief accountant but we do have a limit on our term for every one of us; it is called a general election. Every 5 years the public have the choice whether to elect somebody back in to the Assembly and then the Assembly decides the best person that they feel can do the job as Chief Minister. We also heard the Senator talking about what I call founder member syndrome. It is totally irrelevant to this situation. Founder member syndrome: you see it a lot in charities, where people, well-meaning people, start charities, the charity grows and gets beyond their skills but that is not what happens here. It is a totally different thing. So I hope that Members will just throw this out as quickly as we possibly can and get back to the serious business of managing this Island, managing the economy and getting people back into work.

4.1.2 Deputy M.J. Norton:

The word “hogwash”, we can use it, I will use it again, hogwash. Absolute hogwash. If we are going to start comparing American Presidents with our Chief Minister, hogwash. That is not where we are. There are limited terms for Presidents. You see that across some of the countries of South America, some of the African nations and, of course, the United States and I would reiterate what the Senator has just said which is that, of course, if there were 3 terms and if he were minded to do so we might have had President Obama instead of what we have been left with. In Europe Prime Ministers; and I have been through pretty much all the countries I could find, every country in Europe, their Prime Minister, is not limited in how many terms they can serve. They are there at the support of their Assembly, of their Parliament, just as we are. You start comparing C.E.O.s and saying: “Well, in business it is good practice.” Of course it is. That is why Warren Buffett has been there for over 60 years. That is why Bill Gates has been there. Michael Dell, one of the busiest people that I have ever met and had the pleasure of interviewing, does 4 different things every hour for 8 hours a day. He is extraordinarily busy but he still manages to manage a huge

company and do it very successfully and he has been there since 1992. No one said: “I tell you what, I think you should stand aside as well.” **[Interruption]** Sorry, did you wish to ... oh, you did not. Fine.

The Deputy Bailiff:

Could all remarks be addressed through the Chair please?

Deputy M.J. Norton:

I apologise. I was interrupted from behind. If we are going to talk about ... if we are going to talk about terms and the first term being that first day you go in and that second term where you find out what you are doing and the third term when you are getting tired. What does that make your fourth term? Some politicians are on their fourth term now, I believe, Senator Ferguson. This is hogwash. This is nonsense. You are, in fact, trying to take the control of this States Assembly to choose its Chief Minister, which is what this States Assembly does, out of its control by limiting that control. It is not worthy of consideration and I would ask Members not to support it.

4.1.3 Deputy P.D. McLinton of St. Saviour:

Hogwash.

The Deputy Bailiff:

Can I just say I am beginning to regret my ruling? **[Laughter]**

Deputy P.D. McLinton:

I thought you might. Yesterday we threw out an excellent opportunity to finally reform this place and now what we are doing is, as the House is falling down, we are going around levelling the pictures. There is absolutely no need for this. It is pointless in the extreme. I feel, personally, that any Minister/Chief Minister who wishes to stand again, who is quite bonkers enough to want to carry on doing it, deserves the right to carry on for as long as they can and I must draw Members' attention to this in the reply for my ... she will open. It alludes to something which is unheard of so far and that is a popular Chief Minister, bless. I would love to see the day when somebody is popular in this role but the point of the matter is that this should be treated as the hogwash that it really is and we should get on with more important matters. So I am certainly going to be rejecting this proposition.

4.1.4 Deputy A.D. Lewis:

The Senator seems to be describing this Assembly as if it is some kind of corporation. One thing we are not is a corporation. We are a democratically elected Assembly. So although we can obviously adopt some corporate governance and we should, the sort of corporate governance that the Senator is alluding to here is, and I will not use the word “hogwash”, but it is not clearly for us.

[11:45]

People have mentioned the United States on a number of occasions already. President Trump is trying to run America like a corporation. That is not what an Assembly like this should be trying to do. Senator Ferguson also criticised the comments from P.P.C. I am not sure who wrote this but this is one of the best comments I have ever seen in terms of the way it has been constructed, the research that has been done and the thought been given to it so it gave me a lot to think about. There is one line in there that really sticks with me and it says: “A democratically elected Legislature is entitled to choose any of its Members as Chief Minister and should not be prevented from doing so by arbitrary qualification rules.” That is the nub of it. The Chief Minister is perhaps the most democratically elected person in this Assembly. He or she has just come out of a general election and has to enter this House, put themselves forward for election and be elected by us. You

cannot get any more democratic than that. So I cannot see the need to change the system we currently have. We are not a corporation. We should conduct ourselves in a manner that consists of much corporate governance but to compare with the Comptroller and Auditor General's term of office and the Governor's term of office is nonsense; neither of those are elected. The amount of scrutiny that a Chief Minister comes under throughout his or her term of office from this Chamber, from the media, from Scrutiny itself, goes way beyond what a leader of a major corporation would come across. He would be challenged by his board and shareholders, yes, but by the whole of the general public, by this Assembly, by Parish Assembly? It cannot be compared with a corporation. The office of Chief Minister is and should be awarded to that person that is most suited for the job, most, perhaps, qualified, most experienced and of course with terms of office more experience comes. I have just come back from a C.P.A. conference, as you mentioned before, in Gibraltar. The current Chief Minister is serving a second term of office. The previous Chief Minister, Peter Caruana, served many terms of office. Gibraltar is a tiny place and what they have achieved there in that short period of stability, or long period of stability with Peter Caruana, is amazing. The public and the Parliament saw that need in that vulnerable part of the world to have that person serving them for a long period of time and they were able, within their constitution, to do so. So I would urge Members not to vote for this. There is too much to lose and too much independence for this Assembly to lose in terms of our ability to elect the best person for the job unfettered by some rules and regulations that the Senator is trying to introduce.

4.1.5 Senator L.J. Farnham:

I was going to be slightly nicer to Senator Ferguson, not least because I am within range so I will be kinder but I think while I will not be supporting this it is a perfectly reasonable debate to have. I do not want to repeat what the others have said but we do, to remind Members, have the election process, have the appointment process and also have a removal process. The Assembly appoints Ministers and the Assembly can remove Ministers at any time they desire. So that is really where I am but I do think it is an important debate to have at least once, now and again, just to give it some consideration. I did think at one stage that Ministers perhaps should serve limited terms once we move to a 4-year term of office but then having been a Minister, I am enjoying it so much I have changed my mind.

4.1.6 Deputy S.Y. Mézec:

I will be opposing this proposition. There have been a few examples that have been used by other speakers up until this point and in her opening speech Senator Ferguson spoke about the legacies of Margaret Thatcher and Tony Blair and how they might have been different or looked upon more favourably had they been limited to 2 terms but then I suddenly remembered that it was in his second term that Tony Blair illegally invaded Iraq so I do not think him being limited to 2 terms would have done much to salvage his reputation after the awful thing that he committed in his second term. The rule in America that Presidents are limited to 2 terms was, I think for about 150 years, just a convention. It was not enshrined in their constitution. That only came about, I think, in the 1960s or 1970s after President Franklin D. Roosevelt was elected 4 terms as President. He died in the fourth term and he was, in my view, the most transformative American President who did so much for that country, transforming its infrastructure and its welfare state and making it a much better place and so for him to have been limited would mean that America would not have necessarily been in the position it was at the beginning of the Second World War and a large amount of that was down to the leadership of that transformative President. Deputy Lewis spoke about Gibraltar. Obviously I was there recently too and learnt a lot from the politicians I met down there and he is right that they had a guy called Peter Caruana who was Chief Minister for 4 terms, is well respected down there and when he went for his fifth term he only just lost re-election and he was replaced then by their current Chief Minister, a guy called Fabian Picardo, who is now in the

middle of his second term and from what I gathered, speaking to people down there, is at the height of his popularity, has achieved so much in the period of time he has been Chief Minister and has so much more to give and it just struck me as wrong that somebody at the height of their popularity who still has the dynamism and energy and policies to continue to improve their jurisdiction through the political process it would just be wrong to deprive the public of that opportunity for giving that extra endorsement to keep going. Now, I fully understand the idea that when people are in positions of power for too long then they can go native. We see places around the world where Presidents are in power for decades and decades and that is clearly completely corrupt and wrong but I think that the safeguard to prevent that from happening should firstly be having a decent electoral process where there is no chance whatsoever of any manipulation by people who are in power to change the system to benefit them so they cling on to power even if that is not what the population want. Obviously Jersey has got some discussions to go about our electoral system. Not today obviously. There is more than can be done in that area. The other side to it, and I know the other Members who will be opposing this proposition will not necessarily agree with this, but I think the extra layer of safeguard in these situations is party politics because we have a situation now where the Chief Minister of the Island is not decided by the public. There is no real guarantee that the person who gets the job is who the public wanted to have that job and there is no formal line of communication and accountability from the ordinary people up through the top to that senior level of government. That is why I support party politics because I know that as well as being held to account by other Members of this Assembly and by my constituents I also have another layer of party members who, if they are not satisfied with my position, and that dissatisfaction can be inspired from what they hear from other people in the public as well or even the self-interest of the party who knows that they have got a leader who is not going to do well or who is uninspiring there is that extra layer of accountability and the public know that when they go to the ballot box, when they vote for their candidate for a particular party, it is not just a vote for that person to be their local M.P. (Member of Parliament) but also for that party leader to be their Chief Minister or Prime Minister. We have like what they have in the U.K. where you will elect your local M.P. for a particular party but if that Prime Minister then stands down for whatever reason the Government can continue with a new Prime Minister who still has the mandate that the party was given for that manifesto as obviously happens in the U.K. when Prime Minister David Cameron stood down. So I do not think this idea of imposing term limits in a parliamentary system is something that works. Guernsey, until recently, had an interesting rule where if you were to be Chief Minister you had to have served 4 years as a Deputy at some point in the previous 8 years and then their ... not the election they have just had but the previous general election, I think that was in 2012, and they had their election and the result was one where it was clear that there was one candidate who had quite a good mandate to be Chief Minister, that was former Deputy Peter Harwood. The problem he had is that although he was incredibly experienced as a lawyer, was very highly regarded by the public and was well-respected by the new States Members who had just been elected he had never served as Deputy before so the States of Guernsey had to rush around and change that rule specifically so that he could become Chief Minister after that. So there was an example of an election producing a result where there was a clear contender to be the Chief Minister and they had to rush around to change the rules because the rules did not work to give the public their say to get the person into the job who they wanted and this would almost certainly lead to that situation where there could well be a Chief Minister in future, certainly not now, but in future, who is at the height of his or her popularity, has so much more to give and who the public very clearly wants to continue who would be deprived of that opportunity and the public would be deprived of the opportunity to vote for that person. But I say that must also come with party politics to provide that extra layer of accountability where leaders can be kicked out through another mechanism and it is for that reason that I will not be supporting this proposition.

4.1.7 Deputy J.A. Martin:

I am sorry to disappoint the previous speaker but he will be 36 before we get proper party politics in Jersey as he will be grey-haired as well. But do not let him stop that to decide that he cannot support this because we are going to have party politics and it is all going to be okay. It is not. I really did come here with an open mind on this one. I have been talking to a couple of other Deputies and I was not sure but when I heard the first 3 speakers hogwash, hogwash, and more hogwash, I started to really think and again they invent this system to select them. Senator Green told us how great this was, you know, we are like the U.K. Prime Minister. Deputy Lewis said: "The Chief Minister [I have wrote it down] is the most democratically elected Member in this Assembly." There is an election over the water tomorrow and they know they are either going to get Mrs. May, Mr. Corbyn or Mr. Farron, which would be a very long stretch, but it will be one of other 2. Do the people who come out know that? Again, Deputy Mézec's, you know, yes, they changed the rules in Guernsey. They found they had a really good person and he was new so they did not know he was good because he was new and their rules changed. We are going to 2 ... to 8, to 4 year terms, a Chief Minister for 8 years. I think it would keep them on their toes. It would stop them from getting complacent and if they cannot get the job done and what they want to achieve in 8 years they have got too much time to get it done. So I still probably need to be completely persuaded but, you know, the arguments so far; we are like the U.K., most democratically elected, we are going to go to party politics. When? To make this right? So we can have every argument you want but they can all believe it in their own head, their system is the way we work. It is not. I live in the real world. I live in the system what we have and it is nothing like that was described by any of the previous States Members. So at the moment I am looking like Senator Ferguson has got my support but, as I say, I will listen to the summing up and any other arguments but ... Senator Ferguson has been told: "Oh, we cannot run this as a corporation." I sit on 2 ... the Jersey Overseas Aid Commission, who has 3 non-States members and P.A.C. (Public Accounts Committee), 3 non-States members and they cannot sit for longer than the 9 years, 3 3-year terms or 2 4-year terms so it has always got to be under 9. Now, do the Appointments Commission make these numbers up just because they have got nothing better to do? It is because people should not be too long in the job. There will be other people who can do the job so to me, as I say, we have heard, I am sorry to repeat the word, a lot of hogwash, but it was mainly the people using that word talking it.

4.1.8 Deputy J.A.N. Le Fondré:

I am very glad to follow the last speaker because my first comments were going to be, expecting to be immediately after Deputy Mézec, was that I welcomed the tone of his speech because it was the most constructive one I had heard in terms of addressing the arguments rather than just trying to be dismissive and disparaging and personal basically. I am afraid I am going to disappoint Deputy Mézec because I am going to disagree with him but at least he put some cogent arguments forward. Whereas, I am afraid, Senator Green started off saying it should not be about age or colour, which Senator Ferguson had not gone anywhere near, and then started going on about hogwash.

[12:00]

In fact I may have misheard so I may be incorrect here, but I am fairly certain I heard Senator Green say everybody gets re-elected every 5 years, which was news to me. So he is obviously so well informed about the system he had not appreciated we had moved into a 4-year term. The Senator definitely said 5 years, as far as I am concerned. I will accept it may have been an error but that is the point. So we do not try and do hogwash and that sort of terminology, let us deal with the issues or try to. The point I think I was ... I think the problem following Deputy Martin, she has probably stolen half my words. We are seeing - not all of them though - an ongoing increase in term limits being put on important posts and, yes, the Lieutenant Governor is not an elected post but I can remember people in the past where the people have been saying: "This chap has been

doing such a brilliant job we want to see another term put through” and it was not permitted, you know, the system did not allow it. The next person came in, did an equally as good job if not better and it is about getting that momentum, that change. It is about keeping them, in terms of the post we are talking about, it is about keeping them focused. I know Senator Green made a comment about charities or something. I think Senator Ferguson made reference to the commissioners of the Jersey Financial Service Commission which is in her report. That is not a charity. So the point is some principles were coming through. Bluntly as well, we do not know whether the next Chief Minister is going to be a Barack Obama, a Donald Trump, a Margaret Thatcher or a Tony Blair or a Jeremy Corbyn. We might know one indication perhaps in a couple of days’ time. No, the point is in terms of Jersey. But the next term of office will be for 4 years and this proposition is looking to cap it at a term of 8 years as Chief Minister. That is not unreasonable. Oddly enough, when I was in Washington in January and February this year it was interesting to hear some of the people I spoke to were agreeing it was time for a change. They were not necessarily a fan of ... obviously at that point Donald Trump had been elected but they felt that it was time for a change from the previous incumbent. It did not matter how good he had been. It was time for a change. That was built into the system and I do not really care whether it is yes, the discussion, that is about the president of the United States and this is talking about a Chief Minister. This is about a Chief Minister who will lead the Government of this Island. It is not about personalities. It is about a position and setting a principle. I think it is not about the public cannot vote for them; they can still vote for them but they cannot then stand, if this was adopted, as Chief Minister again so it gets the people in. When they are a Chief Minister, in my view, it gives them a focus as to what they want to achieve over their period of office and at that point it is then time for a change. So from my point of view I think ... I accept Senator Ferguson’s comments about the timing of this but I think as a principle it is worthy of consideration and I am going to support the proposition.

4.1.9 Senator P.F.C. Ozouf:

Well, what an interesting speech again which I am moved to absolutely disagree with. Mandatory term limits, as P.P.C.’s excellent comments say, are in force for effectively mainly across the democratic world and in some places the undemocratic world for effectively Presidents and heads of Government. Individuals in very large countries which wield extremely high levels of influence, president of the United States, there is a whole list in the P.P.C. comment if you look ... you can click through to Wikipedia to the amount of countries that have term limits for Presidents in different countries. Those are for very good reasons and the word “corruption” is rightly used in P.P.C.’s comments for all of the countries that have put these in and those are the reasons ... those are the reasons as is uncomfortable it is to say, it is for issues of corruption. It is to stop an individual from effectively being too long and holding too much power because Presidents have an awful lot more power than Prime Ministers or other elected members. They are heads of state. They can sign executive orders. They can invade countries. They are the head of the armed forces. They hold the nuclear button. They are all of these things that are massively powerful positions and, of course, the attendant financial responsibilities and the ability to influence financial matters and to ingratiate themselves or their families. There are real issues of corruption in politics in many countries around the world. Inappropriate behaviour by politicians is at the heart of many of the distrust in the political systems and in the political so-called elite. After my very happy occasion, 10 days or so ago, which I was very grateful for Members’ support, I was able to take a few days off and I took my few days off with my now civil partner, who has an interest in politics, and we spent some time in France. Indeed, where Senator Ferguson’s proposition does have some merit is the newly elected president of France, President Macron, who has brought a political party almost out of nothing and is expected to get a huge majority in terms of the En Marche, the Monsieur Macron Party. He is proposing term limits for ... what I think, apart from the point the ... countries that P.P.C. have suggested. He is the first head of state that is effectively with a party proposing

term limits for members of parliament and that is in the manifestos of all of the candidates and they are proposing not only equality for women, in terms of the number of ... they are setting rules about how the system works. They are, as I understand it, just having a quick look. They do ... they are proposing a 2-term limit, not for just the Prime Minister and, of course, the Prime Minister and Ministers in France are not necessarily Members of Parliament. They are picked without necessarily holding political office and what the Parliament does is hold those Ministers to account; it is a very different system. But they are proposing term limits for all Members of Parliament. What I would ask Senator Ferguson is, you cannot say that the Chief Minister ... everybody is holding our Chief Minister up and other Ministers up as being this really powerful person. Well, I think our Chief Minister has a jolly difficult time. It is like herding cats at some stage and the issue of trying to hold effectively a coalition of independent people together is extremely difficult. I am looking across and smiling. I am agreeing so much today with Reform Jersey I am not sure where I am sliding to in terms of political views but perhaps Reform and Deputy Mézec and those individuals are right in terms of needing to form into more clear political groupings. The reason why I have stepped back from ever supporting party politics in Jersey has been because of the issue of ultimately corruption in small countries where it does pervade unfortunately. Now, I am in no way suggesting that that is an automatic consequence but it does happen but then the offset is that you get a better linkage between effectively what you are asking for and, you know, what voters are asking for and what they get in terms of a Government, but then you have got issues like first past the post, if you do not have proportional representation. We are going to see an election overnight in the U.K. where the percentage of votes that people get is very different in terms of the votes of the different parties is very different in terms of the outcome of the election. I am coming back to the point of this parliamentary term. There are many complexities and different ways of delivering on democracy but there are some basic tenets. Our Chief Minister cannot in any way be described as having the same power as a President. They just simply do not. I fear that our Chief Minister is held as certainly in the image of people and in the view of many people in public as having that almost slightly more powerful position than they do. The reality is they do not. They are trying to hold the collation of very strong minded individuals together which is difficult, and now made even more difficult with the issue of collective responsibility which has been imposed. I thought that was going to be a good thing but it then gives the public the impression that sometimes people are just simply having to toe the party line. So there is a coalition of independence bound by a legal collective responsibility of which the Chief Minister has to try and find a way forward and is constantly criticised. We spoke yesterday about the Clothier debate and I quoted from some *J.E.P. (Jersey Evening Post)* stories. People never like people in power. You always get, unfortunately... and most political careers end in failure. It is a truism unfortunately and maybe sometimes you can only hope, we can always hope, that we are more appreciated at the point at which afterwards that sometimes we are appreciated but we are never appreciated in the short term and we should not try and be appreciated in the short term. We should certainly think of people like Thomas Paine and others who have commented about the fact that: "I am not there simply to be representative but I am here to be a full-time person dealing with what I think is in your long-term interests." Jersey is different from a lot of other countries because we are thinking much more long term about things than other places. I know Deputy Vallois is shaking her head but we do and that is why we have had a net asset position rather than a net debt position and we do not simply mortgage ourselves by making decisions today for tomorrow. The Chief Minister ... we do not know what is going to happen in the next week. We do not know what is going to happen in the next 6 months. We do not know what is going to happen in a year. There may be an individual, not the current Chief Minister, that has done 2 terms, that has a particular crisis because of a problem, a constitutional crisis in Europe with the rest of the Channel Islands, with the U.K. and that that person is absolutely the right person to continue to lead this Island and hold what is effectively a collation. Maybe we do need parties but that may evolve. The fact is you cannot put a term limit on the Chief Minister

and then say you are going to not have a term limit for what, the Minister for Treasury and Resources, the chairman of the Corporate Services Scrutiny Panel. They are powerful people too, are they not? They all are powerful because we are all in an Assembly which have Members of Parliament who have much more power than a lot of other places. I have not heard any convincing arguments for today limiting what is effectively going to be, because it can be changed again, Senator Gorst's ability to stand next time. Because, as somebody has also said, the Guernsey system and the P.P.C. report quite rightly says, is that they did impose a certain rule and then they changed it. So whatever we decide today in terms of laws a democratic assembly can change it. You cannot change it and bind a future parliament. What are we doing, binding a future States Assembly for a certain situation of that right individual, that woman, that man, Chief Minister, not to be able to do a third term? It is absolutely wrong. Because I tell you what, if we did that, if we were in that position the States would pass a resolution to change it. You cannot bind a Parliament in this way unless there is a jolly good reason to do so and certainly not for a Chief Minister. If we did have a President with those powers you could do it. You could probably make it stick but you cannot make it stick in my view for Chief Minister. The issue that we need to be aware of is why term limits exist. There is a deep dissatisfaction with politicians around the world. It has been particularly felt in France because there are too many people that are part of this clique, this inner clique of people that are just simply there with high salaries and not accountable to the people and it is a real problem. So that is why there has been a complete change in the political landscape in France. There may well be here too. We shall see. But certainly we should not be binding this Assembly and this is about Senator Gorst because I tell you what, it could change the parliamentary system afterwards. So this debate is about whether or not I think the current Chief Minister could possibly stand again because you can change the rules but the next Assembly, as they will if they want to, and that must be their right to do so. So I say, I do not think there is an issue of corruption in politics with our Chief Minister because of power. I do not think the same arguments apply that do apply in other places and I do not think we should bind the future Assembly and I think it would be wrong. If the people want to elect a certain person and that person then gets elected as Chief Minister then that should be the way it is done and there should not be these fictitious rules put in place that could be changed anyway in future. I will be voting against the proposition.

4.1.10 Deputy G.P. Southern:

Please appreciate I was not going to speak in this debate but I will anyway. Having been prompted by Senator Ozouf who really, as usual, produced a quite literalist string of words which were, in my opinion, totally specious. I wanted to disagree with him totally, especially on his slide towards party politics. He is not sliding close to me because I am, contrary to my colleagues, going to speak in favour of this proposition.

[12:15]

The argument is very similar to the one used by my colleague, Deputy Mézec, and it is that the Chief Minister is in no way at all accountable to the voter. It is all well and good to say this House elects the Chief Minister and holds him accountable but nobody outside this House has a say because we do not have a party system. We do not have people standing and saying: "I want to be Chief Minister. If I am elected as Chief Minister I will do this" and list the 10 points of their policy. That does not happen and while that happens that then people out there know that there is no connection between their particular vote and what happens. That is a fundamental flaw in our democratic process. It is broken. That does not work. The other argument that I hear time and time again is that what we need is people with experience, longevity, because that is so the people... well, hang on, wait a minute, let us pursue this one to its logical end and we would never have anybody else. "I have got the experience, 3, 5, 10, 15, 20 years, elect me again. You know I can do it." That is not an argument at all and in fact the last person I heard, and it came from the Chief

Minister, saying about the experience of his Assistant Minister, Assistant Minister to the Chief Minister, had to be in place, in his opinion, because of his long experience. What happened yesterday, when I asked a simple question of that Assistant Minister to the Chief Minister about what he was proposing, whether it was going to be affected by Brexit, I got the perfect experienced answer which was: "I am not going to bother to answer this question here and now. I will do it sometime later." So an experienced manner in which I can avoid answering a question, a simple question, one which the Assistant Minister knows the answer and one which I was correct on, simply not answered. So if that is the sort of experience that we are asked to support in this particular case then I want none of it because what it is is experience in getting round things and getting by things and not responding and not being straight and truthful. That is compounded by the fact that no voter out there can say: "I know what I am voting for. I know I am going to get it" because the person who is standing has presented himself as a good bloke with the best interests of the Island at heart and has told me nothing about what he will deliver because he cannot because he cannot guarantee the Chief Minister or Minister for Treasury and Resources or Minister for Health and Social Services or whatever. So I have got no promises that I can hold that person to account and that is where our system is broken. So I do not want a Chief Minister there on the basis of experience and I will vote in support of this proposition which limits the power of the Chief Minister. It is all very well for Senator Ozouf to suggest that somehow the Chief Minister is powerless. Come on, pull the other one. I do not believe it. I will be supporting the proposition.

4.1.11 The Deputy of St. John:

I rise because I find this quite an interesting proposition and I say that purely because... well, I am not supporting it purely because making the system more rigid will, in my opinion, just create more problems. I mean any system we have there are going to be faults in it and a system can work as long as the people want it to work, and I will continue saying that no matter what system that we have. But this particular proposition talking in terms of terms limit. The first one... when Senator Ozouf was talking about the power and having that limit in another places that is absolutely correct because there is that possibility of the corruption side of things. But then it moves me on to looking at the system that we have and I have been party to 2 reviews in my time in the States with regards to machinery of government and the ministerial government that we have in place is for political parties. A ministerial system would work a lot better with political parties. Now, that is not saying that I believe that we will have political parties any time, maybe in the next year, but that is how ministerial government works because it is basically a system that has been picked up from Westminster, brought over to Jersey and dropped on to the States of Jersey but where we are unique in this system is that we have a responsibility to our electorate when we sit in the States Assembly and the most power is within this Chamber. We do not have to give Ministers powers to make orders. We can bring any proposition as a Back-Bencher, as a Minister, that we wish to do so. There is nothing stopping us from doing that and so when we talk about Ministers who have power the Minister that has the most power is the Minister for Treasury and Resources, under the Public Finances Law. So when we talk about putting a time limit on the Chief Minister you have to ask yourself: "Well, what is the point really?" and what I would encourage Members to do instead would be, take responsibility. Stand up to people. Stand up to your own principles. Ensure that the checks and balances are in place. Question people. Push them to their limit because that is what we are here for. We are not here to sit on our backsides or our bottom, as may be stated, but we are not here to just sit back and say: "Oh, well, maybe it will be okay tomorrow. Maybe it will be okay next week." Let us just hang on to that word and hope that everything is better. That is not what we are here for. We are here to hold each other to account no matter what name tag we have got. I expect to be held to account in whatever role ... I sit on 2 Scrutiny Panels but I also sit in this Chamber and I also make decisions just like Ministers do so I am accountable. So we have a responsibility to each other to ensure that we have those checks and balances in place and by

limiting the term this is the first ... because I am not going into personalities and things but this is the first Chief Minister that has served 2 terms during ministerial government. I very much believe leadership and Chief Minister roles are very dependent on the team around them and it is this States Assembly that vote that team in. So from the work I have done with regards to machinery of government and the information that I know of and I am aware of and what we have voted in in the past I think there are plenty of checks and balances in place if we are only willing to use them and use our principles to hold people to account.

4.1.12 The Connétable of St. John:

I have swayed to and fro on this one and always tended to be in favour of it and I still am. I was very interested in Senator Ozouf's comment that France and President Macron is looking to introduce time limits on all Ministers not just his Prime Minister **[Interruption]** ... Members, sorry. I do apologise, Ministers. I would hate Jersey to follow another country. Perhaps we should be leaders and set the example. I was also a little bit disturbed when being compared with some countries where Presidents have restricted terms of office because of corruption. That, I sincerely hope, would never be the case here in Jersey and I sincerely hope that the inference was merely an illustration of what happens elsewhere and in no way has any connection with this Island. This is not in any way personal and whenever one brings such a proposition there is always a Chief Minister in office and so one can always say: "Oh, but you are looking at the individual who is holding the office", whether it is now, in 5 years' time or in 10 years' time there will be a Chief Minister sat there and so this is in no way on that basis. But anyone who is in a job too long does get a little stale and you can still say: "Oh, he is a good man" but when you become stale you tend to become perhaps a little out of touch. Here I am, perhaps, showing my age because throughout my life I have often heard: "Wow, he was brilliant. We will not find another fellow like him" and I am talking of a variety of positions held in business, in politics and elsewhere and yet somebody has stepped up to the mark and 3, 4, 5, 6 years later when he stands down I hear the same people saying over again: "By crumbs he was good. We are not going to get another one like that." I am scratching my head saying: "Well, that is what you said about the last one." Everyone is different and everyone has a different style and that is why progress is made because we go forward but not necessarily in a straight line and I will, therefore, be supporting this proposition.

4.1.13 Deputy M. Tadier:

Like Deputy Le Fondré I think, and other speakers, it is absolutely right not to criticise Senator Ferguson for bringing this because it is an interesting debate and it is nice to have debates on points of principle about ideas and about the philosophy that underpins certain key democratic principles which are obviously not universal and which differ from country to country. So I will not use any of those words which may be associated with cleaning **[Interruption]** ... yes, pigs. Now, what I think Senator Ferguson has done here is that she has identified a problem or a series of problems and I think from my perspective one of those problems, and it is probably fair to say from the public's point of view as well, is that what do you do when you have an unpopular Chief Minister? I think it is fair to say, and I think it is also difficult to divorce this from the timeline and the point in time where we find ourselves, which is if you believe the polls that are being conducted outside, obviously non-scientifically, where more than 80 per cent of the population do not have confidence in the Chief Minister and perhaps in the Council of Ministers, and when we are on the verge, if it has not happened already, of a proposition being lodged as a vote of no confidence in the Chief Minister, that will be happening, if it has not happened already, this week. Not in our name incidentally but I know there is a cross-section of Members who are doing that. It is difficult to divorce that because we are talking both about the next election, about this Chief Minister but we should also, more fundamentally, be talking about the principles, whether this is the right thing to do. There is always a risk when you base things on personality and you are blinded by the

temporary that you do not take a more holistic approach about what the best and worst scenarios are to do with whoever the incumbent might be in future. I think it is fair to say from a public point of view that none of the Chief Ministers that we have ever had have been universally popular. Indeed, we have had occasions where the most popular candidate to run for Senator and who ran for Chief Minister was, possibly, the public choice. He was certainly the poll topper, but he was not the Assembly's choice and there may be good reasons for that. I am not going to comment on whether or not that was the case but there is clearly a divorce between the public's choice and the Assembly. The other problem then, of course, is what do you do if you constantly have an Assembly which is not representative of the public opinion? Well, of course, you change your electoral system but we are not going to be able to do that any time soon. That boat has now sailed this morning, perhaps the only boat that does sail around here is the boat for electoral reform regularly and like clockwork. So I think there is an underlying problem there which has been spoken about and how do we make sure that we get a representative Assembly because there would never be a problem, if we knew that everybody in this Assembly broadly represented public opinion and the various nuances and varieties of that we probably would not have this problem where we have to talk about the Chief Minister. So I think Senator Ferguson has identified a problem here but she has not come up with the right solution. So my default position is to go with the comments of the Privileges and Procedures Committee. While there has been a good case made for party politics here, and I think the penny is finally dropping, especially with the Council of Ministers, is that it is the inevitable conclusion of democracy when any society gets to a certain critical point of population and complexity and you are having to deal with those complex needs and it is not a homogenous society of course.

[12:30]

It can never be when you are dealing with competing needs, this idea that we can be in here and do the right thing by everybody is, of course, a nonsense. What we have had in the past is a Chief Minister, whose first and foremost job is to be safe pair of hands to represent the interests of the banks and international finance. I am not saying that is necessarily wrong. I do not agree with that necessarily because, of course, I would say that while it is great to have a strong and stable not a ... I never thought I would be using that in an election week, while the election is going on in the U.K. Of course, it is important to have a strong and stable economy. Our society and our community is so diverse and we have to recognise that the interests of any one industry, and not automatically necessarily, are going to be aligned with the various competing interests that we have to make decisions on in this Assembly and I think that is the crux. That is why you need party politics because, of course, you need people there who represent different interest groups and can weigh the balance and I suspect we will see the emergence of the business party, or whatever they want to call it. Now, it is strange that Senator Ferguson, of course, has started this about saying: "Well, you know, C.E.O.s, other companies have a limit on their terms." I do not think that is universal incidentally but if the principle is that businesses, P.L.C.s (public limited companies), might put a limit on who can be their chief executives for one or 2 terms or in terms of years then why do we not do it in Jersey? Because, of course, the Council of Ministers historically have run Jersey as a business. They jokingly, and outside there, their supporters call it Jersey P.L.C. So today we are having to make the argument, which of course I agree with, is that Jersey is not a business. We are in the business of politics, if we can call it a business, not in the business of simply making money and balancing the bottom line which, of course, even this Council of Ministers cannot do. It can no longer balance the bottom line so it is putting in nefarious taxes on the people who are least able to pay that. But I think we are probably verging from the main point but I think it is all germane so I would ask, what is the problem that we are trying to solve here? I am not convinced that this does it and there are always 2 sides to the coin. You can look at the facts and say: "Well, look, we have got a series of Chief Ministers who are unpopular. They do not represent the public." That is not

his fault. He or she in the future will be elected by this Assembly. The flipside of that coin is you could have a Chief Minister who is very popular and he is told that he is not allowed to stand and so that person has to stand down to elect somebody who is possibly less skilful but also whose politics has not necessarily been tested and neither has a mandate. So I commend Senator Ferguson for bringing this. It is important that this issue gets debated but I just put the gauntlet firmly in the ballpark of the Council of Ministers and their acolytes and supporters within this Assembly and without and it is interesting we are starting to see nods now when we talk about party politics where in the past it was simply a stone cold wall. I say bring it on. We will obviously have our own policies that will be debated and which can be held up to scrutiny and I would like to see Senator Gorst stand for another election. I think that is another consideration. I want him, if he wants to, to face the public on what he has been doing in the last 6 years on the economy, on health care, on his leadership, on electoral reform, on his thoughts about separation of powers which he stood up and said he supported and, of course, this highlights the fact that we have a Chief Minister who, far from being all powerful like a President in France or the U.S. (United States), cannot even get his policies through this Assembly and that could be seen to be both a problem of dysfunction in this Assembly and a problem with the individual that we currently have in charge. So I do not think this is the right proposition for today but it has certainly been an interesting opportunity to explore some of the other problems that we have with our democracy.

4.1.14 Deputy S.M. Brée:

I felt it very interesting to note that the very immediate and vigorous attack on Senator Ferguson's proposition came from the Deputy Chief Minister and a number of Assistant Ministers. Now, for history students like myself, it brought to mind the image of the Saxonhouse culls. Now, for you those of you who do not know what they were, they were the royal bodyguard. The term "closing ranks" comes from them. They closed ranks around their monarch, leader, person who employed them, paid them money; they were free men but they had taken the monarch's shilling and they were to lay down their lives to ensure that their monarch did not die and it merely reminded me of the activities of such a group. To use the term "hogwash" I am afraid I find insulting to use towards any other Member's proposition. We have to show a certain amount of respect, not only to other Members of this Assembly but also members of the public and personally I found that to be somewhat excessive and disrespectful to Senator Ferguson. There was also, very interestingly, the comment from Deputy Andrew Lewis about how the election of our Chief Minister was the most democratic of democratic systems. Perhaps my memory serves me wrong but I just feel I should remind Members the current Chief Minister was elected unopposed. Now, from what I can remember from Deputy Andrew Lewis's previous speeches that is one thing that he was striving to prevent ever happening again. Now, the question of term limit, we have heard the arguments given to us that it has got to be the best man for the job. It does not matter how long... or woman, my apologies to all women throughout the world for not saying that. But it has to be the best person for that job. Now, my argument is, why not impose a term limit? Because it does focus attention on priorities. Now, we have heard comparisons from a number of people about, well, they do not have this here, they do not have that there, and I would just ask the question: why do some in this Assembly always look elsewhere, outside the Island, for direction? This debate is about Jersey and what we believe to be best for our Island. Now, I think there are certainly a number of Members of this Assembly and certainly a number of members of the public who agree with me in my view that the current form of ministerial government that we have does not work, without political parties it will never work properly. Unfortunately, I do not support the introduction of political parties in Jersey, so until we solve this conundrum we have to take steps to protect the Island against the risk, however small, of autocratic government slipping into our political system via the back door. That back door is the current form of ministerial government. Now, one way to protect us against that happening is to limit the term of the Chief Minister. It makes sense. If we all agree that the current

form of ministerial government does not work because we do not have political parties, then we have to find a solution that does work, not only for this Assembly to function properly but to represent the views of the Islanders and to get Islanders more involved in the political system where they feel they have an input, where they feel their vote counts, where they feel they have a say. Now, while you may object somewhat to this thought about putting an artificial restriction in place, it makes eminent sense when you look at the bigger picture of the problems that are facing this Island and our political system. Therefore, I will be supporting Senator Ferguson's proposition and I urge Members who are considering that it is complete hogwash to think again, to think about the bigger picture, not just this immediate moment in time and whether or not you support the current Chief Minister because he happens to have appointed you as an Assistant Minister. There is a much, much bigger picture here that I think we all need to seriously consider before deciding how we vote.

Senator A.J.H. Maclean:

Hello, Sir.

The Greffier of the States (in the Chair):

Hello. [Laughter]

4.1.15 Senator A.J.H. Maclean:

I had a long and very interesting speech to give but bearing in mind the time and the sighs from Members I shall cut it down. I just have a few very short points to make. The first of those points is that I do not agree with term limits. I do not wish to disappoint the Senator, but I think it is the wrong move in this Assembly to be doing so. I think those that have sought to argue on the basis of what happens in other jurisdictions are really missing the point. To use the examples of large nation states, the United States, the United Kingdom and many others, is not particularly relevant to what we have here in Jersey, which I have to say is somewhat unique. We do not have party politics here. I know our friends in the party on the far side have spoken passionately about the requirements and need for party politics. I did incidentally note that they do not appear to have collective responsibility. They have a different view on this particular point, which is fine, and I am sure their collective views will be made known in their manifesto when the time comes. But I think for concentration's sake and to give focus on the point and purpose of this particular proposition, it is all about, in my mind, checks and balances. When considering whether it is appropriate to apply term limits, as is the case here, we need to first consider whether the existing system has the right checks and balances. All Members of this Assembly serve at the will of the people first and foremost through the electoral process. After that, of course, the Ministers that are elected by this Assembly serve at the will of the Chief Minister and, of course and crucially, at the will of this Assembly. It is quite simply about performance. If we have a Chief Minister who serves more than one term and, indeed, wishes to serve a third term, then it is going to be the choice of this Assembly as to whether they feel that is appropriate. It is as simple as that. We have the necessary checks and balances in place and, therefore, I do not see in the Jersey context it necessary to introduce terms when we have to be honest, there is a somewhat limited pool of talent and that talent can manifest itself in many different shapes and forms and sexes for that matter. Quite simply, therefore, we have to ensure that the person with the right motivation, the right abilities, is tasked with operating as Chief Minister and is elected by this Assembly. I think that is the right way. The right checks and balances exist because, of course, this Assembly can remove anybody they feel is not appropriate. Therefore, bearing in mind the time, I will draw to a close and simply say that I do not support this particular proposition from Senator Ferguson and I hope other Members will not either.

The Greffier of the States (in the Chair):

Can I ask for an indication of how many Members wish to speak on this proposition? Is it the Assembly's wish to finish this before lunch?

Senator S.C. Ferguson:

If the Assembly wants a short speech I would like until after lunch.

The Greffier of the States (in the Chair):

Yes, all right.

LUNCHEON ADJOURNMENT PROPOSED

The Greffier of the States (in the Chair):

Before we adjourn, can I just say that this morning we have had 2 propositions lodged, or one lodged and one re-issue. The lodged proposition is the Draft Liquor Licensing (Jersey) Law, and the re-issue is Deputy Southern's Ethical Care Charter proposition, which was erroneously lodged yesterday. Is it the wish of the Assembly to adjourn at this point? In that case, we adjourn until 2.15 p.m. this afternoon.

[12:44]

LUNCHEON ADJOURNMENT

[14:15]

The Deputy Bailiff:

Yes, Deputy Higgins, I think it was left that you were indicating an intention to speak.

Deputy M.R. Higgins:

I am afraid it was, Sir, but I have had a senior moment and I cannot remember what I was going to say **[Laughter]** so I will leave it as it is.

The Deputy Bailiff:

I wonder if anyone else would like to follow that example. Does anyone else wish to speak on the proposition? In which case I call upon Senator Ferguson to respond.

4.1.16 Senator S.C. Ferguson:

I promised that if we broke for lunch we would have it truncated. I was reminded, though, through the first 3 or 4 speakers that my grandfather, who was a very wise old man, used to say that if you could only think of stupid words, or swear words, then perhaps your education had been neglected. I think that might apply to "hogwash". Just a thought. I will not get into Obama versus Trump, because we will be here for the afternoon. As far as general elections and so on go, no, the public do not vote for a Chief Minister and they want to. Deputy Norton mentioned Warren Buffet and Bill Gates. Well, Warren Buffet has planned his succession and I learnt investment analysis from one of Warren Buffet's greatest friends at business school. Bill Gates has retired. I think the general feeling, though, with many of the speakers was, for democracy, until the public can vote specifically for the Chief Minister, it is not totally democratic. If we recognise the public's opinion, then those coming top in the elections would be Chief Minister. Yes, again with Deputy Mézec, people want to vote for the Chief Minister. I thank Deputy Martin for her kind comments and her comment about stopping them getting complacent I think is a good one. Deputy Le Fondré, I thank him for his comments where he talks about new ideas and change is always a good thing, and a limit focuses on what you want to do in terms of your office, or during the term of your office. Senator Ozouf, as always, it was a fluid and articulate speech. I had not thought of corruption. I found that a curious comment to make. With the greatest respect to the Senator, he talks of the

power of Presidents, especially the U.S. Actually, the founding fathers were extremely farsighted and imposed some very thoughtful limits and controls on the power of the president. With even greater respect, his Thomas Paine quote was actually Edmund Burke, who said that your representative owes you not only his industry, but his judgment and he betrays instead of serving you if he sacrifices his judgment to your opinion. Deputy Southern - for once we agree, more or less - made some very excellent points that the public have no say and are people of experience always the best people to have? I thank the Connétable of St. John. No, it was the Deputy of St. John. I am sorry, I apologise. She is much better looking than the Connétable. **[Members: Oh!]** She reminded us that ...

The Deputy Bailiff:

Senator, I am not entirely sure that personal observations about the relative merits of the appearance of Members of the Assembly is entirely in keeping with the way we should conduct debates.

Senator S.C. Ferguson:

Yes, point taken, Sir. The Deputy reminded us that power is in this Chamber and that we should remember to hold Ministers to account. Deputy Tadier talked about a crisis of confidence in the Chief Minister, but when I started with all this there was not any crisis. The whole thing was ambling along in a very sort of genteel, gentle manner. He did miss the point that I actually started thinking about this when the Appointments Commission commenced truncating terms of office. I thank Deputy Brée for his comment. He talks about focusing on priorities and that we should be looking inside the Island. I would just remind people that when we are talking about how we elect our Chief Minister, there was a comment by Jefferson: “What country can preserve its liberties if its rulers are not warned from time to time that their people preserve the spirit of resistance?” I just thought that a truncated term of office might remind them that they are not all powerful and that the people can resist and, perhaps, truncating their term of office just emphasised the resistance. I thank everybody who has spoken and I ask for the appel.

The Deputy Bailiff:

The appel is called for. I invite Members to return to their seats. If Members have had the opportunity of returning to their seats, I ask the Greffier to open the voting.

POUR: 10		CONTRE: 29		ABSTAIN: 0
Senator S.C. Ferguson		Senator P.F. Routier		
Connétable of St. Martin		Senator P.F.C. Ozouf		
Connétable of St. John		Senator L.J. Farnham		
Deputy J.A. Martin (H)		Senator P.M. Bailhache		
Deputy G.P. Southern (H)		Senator A.K.F. Green		
Deputy J.A.N. Le Fondré (L)		Connétable of St. Helier		
Deputy M.R. Higgins (H)		Connétable of St. Clement		
Deputy J.M. Maçon (S)		Connétable of St. Peter		
Deputy S.M. Bree (C)		Connétable of St. Mary		
Deputy T.A. McDonald (S)		Connétable of St. Ouen		
		Connétable of Grouville		
		Connétable of Trinity		
		Deputy of Grouville		
		Deputy J.A. Hilton (H)		
		Deputy of Trinity		
		Deputy M. Tadier (B)		
		Deputy of St. John		
		Deputy of St. Martin		

		Deputy R.G. Bryans (H)		
		Deputy of St. Peter		
		Deputy S.Y. Mézec (H)		
		Deputy A.D. Lewis (H)		
		Deputy of St. Ouen		
		Deputy R. Labey (H)		
		Deputy S.M. Wickenden (H)		
		Deputy M.J. Norton (B)		
		Deputy of St. Mary		
		Deputy G.J. Truscott (B)		
		Deputy P.D. McLinton (S)		

5. La Collette Low Rise Development: protection of existing amenity space and trees - direction to Andium Homes Limited (P.22/2017)

The Deputy Bailiff:

Very well, the next item of Public Business is the La Collette Low Rise Development: protection of existing amenity space and trees - direction to Andium Homes Limited, lodged by the Connétable of St. Helier. I 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 Treasury and Resources to direct Andium Homes to redesign their development proposals, in order to maintain the existing amenity space and trees on the site between La Collette Low Rise and its border with Green Street, an area designated as protected open space in the Island Plan.

Senator P.F. Routier:

Before we start this debate, I would like to declare an interest. My son was involved in a third party appeal against this proposition, or against the development, so I feel I should withdraw from the Assembly.

The Deputy Bailiff:

Very well. Connétable?

5.1 The Connétable of St. Helier:

I am indebted to a written question asked by Deputy Southern, yesterday, which was answered yesterday. It was question 1 and it was about the number of new homes being delivered by Andium in a forthcoming period. Members will not have it before them, but if I could just read the target: “Andium Homes is planning to build 1,063 new homes by 2020. Of this figure, 863 will be built on identified sites, including 758 affordable rented homes and 105 affordable homes for first-time buyers. The remainder of the 200 homes will be built on new sites that are currently considered commercially sensitive, but will deliver a mix of affordable rent and purchase.” Andium Homes has already delivered 227 new homes since incorporation and I think I would like to start by praising the work of Andium Homes, who I am sure all Members will agree **[Approbation]** have done extraordinarily good work, not only in the delivery of new homes, but in the refurbishment of existing stock. Just at the end of my road is Mont Nicolle and it has been completely transformed into a development that people are proud to live in and, currently, good work is going on at Convent Court and Caesarea Court. Andium Homes are doing what previous housing committees failed to do, which is to maintain the existing stock and deliver new homes for the population. It would be an interesting exercise to find out exactly why that is, why they have appeared to be so nimble, so flexible, so proactive in their approach to delivering housing for the community. I also

want to commend Andium for the degree of consultation that they have undertaken, certainly in respect of La Collette Low Rise. Excuse me for being a little out of breath and for glowing a bit, but I have just been inspecting some of Andium's properties on my way here after lunch. Andium have engaged with the Havre des Pas Improvement Group. Indeed, they came to a meeting last Thursday, which was never going to be easy. They came to the lion's den, as it were, but such was the effective chairmanship of Deputy Wickenden that the residents and business owners in the area were kept in order while Andium explained what they are trying to do for La Collette Low Rise. They have also had me into their offices. I will not say for a beating-up, but they have had me into their offices to explain to me what the latest application on reserved matters - that is in respect of the landscaping and planting around the development - is going to look like and asked me whether I really needed to bring this proposition today. The fact is that this proposition is in my name, but it is very much being brought here through the wishes of the Havre des Pas Improvement Group. I need to take issue with one of the comments made by the Council of Ministers where they say that the new development, in its current form, is desired by residents, because the residents in the Havre des Pas area, who want to, have every opportunity of joining the monthly meetings that have been organised by the district Deputies and which are extremely well attended. They are supported by officers from quite often States departments and the Parish of St. Helier. It is a very active group. It is probably, as far as I am aware, the best residents' group currently working in St. Helier. This committee is by no means unanimous in their opposition to the plans, but, clearly, the majority of those who come, feel that the current proposals for La Collette Low Rise should be rethought. So, I would urge Members not to dismiss their concerns lightly or, indeed, to accept the assertion in the comments by the Council of Ministers that most residents want the new scheme to go ahead. Of course, we know, if we deal at all with social housing, that the people who have been moved on from the current building have no rights to come back. Indeed, some of them will have no ability to come back, because the rents are likely to be higher. So, as I say, the grassroots view of this proposal is that it needs to be rethought and I will be endeavouring, this afternoon, to explain what aspects of the scheme the residents would like to be reconsidered. I should not move on from talking about housing supply in the Island without, I think, paying tribute to the other providers of housing, who are all around us delivering new units of accommodation. S.o.J.D.C. are not just developing a finance centre. They are also, at long last, breathing new life into the former J.C.G. (Jersey College for Girls), which has been empty for almost as long as I have been in the States. I gather that all but one, I think, of those units have already been purchased, the ones that are for sale. Dandara, if I may use names in the Assembly - I have said S.o.J.D.C., so I should be allowed to say Dandara - are developing a superb series of apartments in the former Westmount Quarry. Some Members, I know, have visited them and sat on the spacious balconies that have been provided with fantastic views over the People's Park, forever green. I think that company is to be commended for the work they are doing in providing units which really are affordable. They are also, of course, providing units in the former Maison de Ville residential home, which is being sold, tomorrow, to that company. Other private sector builders are developing outworn offices throughout St. Helier.

[14:30]

We have recently seen new apartments provided in Phillips Street, where once there was a bank. I think that only goes to show that the States policy of providing - I am digressing a little here - grade A office space on the Waterfront is, indeed, leading to the reuse of former offices in the rest of St. Helier. That is to be welcomed and I give credit to the Planning Committee for their approvals of those developments as they come through. As housing is important in the Island and as St. Helier has accepted its responsibility to take on housing - and it is not a burden, it is an opportunity for the Parish - as we take on that opportunity there must be, and I have said this countless times in this Assembly, the *quid pro quo* of open space. Because, without open space and sufficient open space, you produce town cramming. I think really the central argument I have with the scheme - and it is

not the only argument, residents are perhaps more concerned about other aspects of the scheme, but the central argument I have - is that it takes away the public open space along Green Street and it puts it inside the development as private open space. So, it is quite specious for people to argue that there is more open space in this scheme. There is not. There is more private space in the scheme. There is less public space in the scheme and I think that is important. As I say in my proposition, and here I am locking horns with the Planning Inspector, while planning inspectors are very wise and this particular inspector has been to Jersey more than once - I do not know if he is sitting this afternoon on the Town Park appeal - we respect their wisdom and their experience, but they do not get everything right. I think for the Planning Inspector to say that the loss of this open space is not significant, because it is not used, really misses the point of open space. I say this in my report: "It should go without saying that the value of simple parkland, in other words grass and trees, in a densely populated community goes beyond whether people, actually, use the public open space, or not. Users of Green Street, in particular, value the experience of walking beside the current green space, while the value of town trees is obvious." So, I hope no one today will argue that they have not seen anybody walking on the bank above Green Street. That is not relevant. This is open space and, presumably, that is why the Island Plan gave it its highest protection. One of the more revealing photographs provided to us was from someone who lives in the high rise apartments, again wonderfully refurbished, and it is a photograph looking down Green Street showing what part aesthetically, psychologically, that open green space provides for them looking down from their flat. Green space - and open space and public space - is always going to be important. I checked with Andium yesterday as to what amount of space is being left in their current scheme and the answer is 21 per cent. So, we are losing four-fifths of the open space along Green Street. It is true they are providing a generous, 15-feet, green edge to the street and a wider pavement, so the street will appear to grow a little bit, but I would invite Members in their minds to come with me up Green Street from the sea. On your right you have a line of small, very domestic, 2-storey houses, terraced houses for the most part. Incidentally, you have a car park and precinct, which is really calling out for better use and for development. You have other places, other brownfield sites in the area, which are also calling out for redevelopment, but as you walk up Green Street you have really very modest accommodation on one side. It is similar in Tunnel Street where the current appeal is being heard. What we are proposing to build are very high buildings on the other side of the street, so, naturally, the residents of these small cottages are up in arms, because they are going to lose more than their view. Their houses are going to be dwarfed by these high buildings. There is going to be a canyon effect, which will not make it pleasant. So, I think the open space argument is clear. The land is protected in the Island Plan and, really, the planners, at an early stage, should have said to Andium: "Look, by all means knock down these outworn flats, by all means redevelop the site, but keep off the open space, because it is protected." It is not Andium's fault that this has happened, but we are where we are, that we are facing £600,000 aborted fees if this proposition is successful. It is not their fault. They were given encouragement - I say no stronger than that - to bring forward a plan that would take in the open space, that was protected in the Island Plan and that, for me, is a serious matter. It should not have happened. If the Island Plan is as important as we believe it is, and we spend hours in this Chamber debating it every time it comes around, then really planning officers should not be encouraging developers to go against the Island Plan, if that is what has happened. So, the other important fact, of course ... and this proposition could easily have been brought much more mellifluously and with less puffing and panting, perhaps, by Deputy Labey **[Laughter]**, who brought the last proposition and did so well that he actually won it. I think one of the things that has really concerned the residents - it is dealt with in the Council of Ministers' comments - is it is a fact that this Assembly, which many Islanders regard as the central place in the Island, the seat of Government, this Assembly made a decision that we would not carry on with the current scheme and that message was conveyed to planning. For whatever reason - and all kinds of reasons I am sure we will hear about this

afternoon - that reason could not be complied with and the supremacy of the States was simply set aside and the scheme did not go ahead. I think it is a shame. I know that, legally, that was probably the right thing to do, but surely, politically, there are some Members who could have said: "We get the message the States is saying that this should not happen." So, we have had an Island Plan that has, effectively, been set aside. We have had a States debate that has been set aside. So, we now have a scheme that the residents are not happy with. Before I go on just to list the concerns of the residents over and above the loss of open space, of course, I again want to go back to Andium and commend them for what they have offered residents since the scheme was submitted. I think, in all fairness, I have to lay this before the Assembly because these are important matters and if the debate is lost these are matters that we will be coming back to. First of all, Andium have agreed - and we see this in the latest revised matters application - to vastly improve the area to the south of the site. That is the current wasteland at the end of La Collette Low Rise, which faces the sea. I have never seen anybody in that. It is rather hostile, paved a bit. It is unloved. They have agreed to create a space there. They have offered a *pétanque* area with deck seating, but they are just as happy to put green grass in there and some more trees. They have offered that as high quality open space. It does not add much to the overall amount, because it is already there, but they are offering to improve it. They are also offering a community centre, a sizeable room, about the size of the room we have our meetings in we were told, which will be, effectively, gifted, or in a peppercorn rent way, to the community association to run for the benefit of the community, complete with kitchen and facilities. Perhaps, most important, though, they are providing well over 100 parking spaces and while some members of the association feel that there are too few spaces being provided, there are others who agree with Andium that there is probably going to be an oversupply of parking, because not everyone who lives there, in whatever configuration is built, will want to pay extra for a parking space when they live so close to town and there are good public transport links and so on. Of course, they have a right to have a car. Just because you live in town does not mean you cannot have one, but they may not want one and they may not want to pay for the expense of keeping a car. So, what Andium have said is if there is a surplus of parking, they are happy to talk to the Parish about how that can be allocated to residents living in the area. Clearly, that will benefit residents enormously and, of course, we see a similar thing going on in a place like Hue Court where some of the underground parking, I know, is used by civil servants, but some of it is used, I think, by members of the public who hire it, who rent it. So, once again, I thank Andium and I praise them for that compromise that they are offering, but for me it still does not get over the central problem that we are short on open space in St. Helier. Planning's own study of 2008 showed that we have less open space *per capita* than places like central London. Really, if St. Helier is going to take all this extra housing, it has to have the extra open space as well. Now, Members have been contacted by one particularly articulate resident, who has written to everyone and I hope Members have had a chance to read the 2½ pages of argument from this member. I could not put it better myself. In fact, I am going to quote from it, if I may, because I think it is very reasonable, but it is also very heartfelt. I am just going to quote a paragraph: "We understand that there is a need for increased housing within the Island and, as stated within the Island Plan, St. Helier has been identified as the key area for the development of these homes. We also understand that La Collette Low Rise is no longer fit for purpose and is in need of redevelopment. While it is recognised and there is no objection to the improvement of the La Collette site and provide additional States housing, tripling the size of the development from 59 units to 147 units and the density of population within such a confined area is not beneficial to anyone. With the exponential growth of the population it is understood that the additional housing sites and increased unit development within those sites will initially help the issue. However, we are an Island with a finite amount of space and resources. At the current rate of development within the Island, no protected green space will be exempt from destruction and the Island and its resources will systematically be destroyed." Later on in this letter we are told that there will be an additional 300 families in this

development, as currently planned. Of course, there is The Limes, which has been vacated and which, we know, will be a future housing site, so a potential increase in population just on this site alone of 200 people. The writer goes on to say: “The previous notorious housing estates, such as Nicholson Park and Elysée Estate, which were knocked down and people rehoused, due to the appalling social problems which, effectively, were the Jersey slums of the 1980s and 1990s.” I think this is a very important point. If we overcrowd, if we overdevelop sites, despite all the good reasons that we are given, we may well be creating the sort of problems we are still dealing with, social problems, in the urban areas. In the conclusion, the writer goes on really to stress that the residents are not against redevelopment. They are not against, say, a doubling of the size of the current estate, but they simply feel that this is far too much development for the site. They also talk about traffic implications. Those, of course, might be mitigated by the fact it is close to town and a lot of residents will be able to walk to work and to school. Then, the last sentence I am just going to quote as well: “A consideration should surely be given to revise the plans to accommodate a maximum of 100 units on the La Collette site, therefore doubling, not tripling, the size of the development. This would not only be practical, but would appease those in the area, save the green space and ensure an increase in housing, a compromise bringing economic and environmental resolution to all.” It is a very reasonable letter. I hope Members did read it when it came into their inboxes. I think it does make the point that the group is not saying no to development, it is saying no to overdevelopment. So, I think that is all I really need to say. As I say, my personal problem with this site is the loss of 80 per cent of the protected green space in Green Street. I think a different scheme could maintain that space and still provide homes around it and respect the character of Green Street and respect the wishes of residents. I urge Members to support the proposition.

The Deputy Bailiff:

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

5.1.1 Deputy S.G. Luce of St. Martin:

It would appear to me that this proposition seeks to amend the outcome of a planning decision.

[14:45]

I would like to remind Members that this Assembly has elected the Planning Committee to carry out the function of taking planning decisions on behalf of this Assembly and members of that committee have been trained and have adopted a code of conduct on the manner in which they discharge their functions. The Committee carefully appraises planning applications against the policies set out in the States-agreed Island Plan, considering all the detailed evidence and submissions that have been made. Committee members must be given the opportunity to take those decisions, decisions which have been passed to them, resulting in fair, proportionate and balanced outcomes. While the subject of a States debate is a matter for the Assembly, I am strongly of the view that this forum is not the place to be considering planning applications, or altering planning decisions that have been approved. In considering the proposition by the Constable of St. Helier, the Assembly may find it useful to be reminded of the recent planning history in relation to the La Collette Low Rise development. Andium Homes submitted a planning application for the redevelopment of La Collette Low Rise flats in October 2014. This proposed the demolition of the existing 59 units and the building of 147 new units of accommodation. Outline planning permission was refused by the Planning Applications Committee in April 2015 on account of concerns relating to the height and massing of Block D, located on the western boundary of the development alongside Rope Walk. The application was not refused on the basis of any other issues, including the loss of the protected open space. Andium Homes submitted a new application for the redevelopment of La Collette in May 2015, making adjustments to the position, scale and

massing of Block D, to address and overcome the reasons for refusal identified in the previous planning application. In December 2015 the Planning Applications Committee considered the new application at its public meeting and in January 2016 unanimously approved the application, subject to certain conditions. In February 2016 a third party appeal was lodged against that decision to grant outline planning permission and in July 2016 I, as the Minister for the Environment, dismissed the appeal, agreeing with the recommendations of the independent U.K. inspector, as detailed in his report, dated 22nd July last year. This proposition makes reference to protected open space, as designated in the States-approved Island Plan. The sloping grassed area alongside Green Street is zoned as protected open space within the Island Plan and is protected by policy SCO4 Protection of Open Space. Like any policy, SCO4 can be overturned with sufficient justification. In the case of the La Collette development, sufficient justification was brought by the applicant. In relation to the loss of the existing protected open space, the planning appeal inspector's report concluded: "The protected open space to the south will largely be retained and regenerated as a new area of public realm. This has the potential to produce a very attractive and successful space and I consider there to be no tension with policy SCO4. The Green Street space clearly does have some visual amenity value and some local people, including the appellants, recognise that value. However, other than its pleasant appearance, it lacks any coherent function, or purpose, as an open space. Its reduction in size to facilitate the scheme is acceptable when judged against SCO4, as it meets 3 of the 4 criteria, when just meeting one criteria would satisfy the policy. I conclude that the proposal does not conflict with policy SCO4." It is worth noting that the replacement open space in the new development will be larger, better designed and more useable than the existing provision. There is currently just over 5,000 square metres as open space in La Collette. This would increase by approximately 14 per cent, or 700 square metres, as a result of the development. The location of the new space within the heart of the new development will also be safer to use, because it will be level and can be overlooked by residents. In conclusion, the open space provision and protection of the existing open space has already been considered by the Planning Committee and again during the appeals process and found to be acceptable. Finally, I would remind Members, again, that the committee are elected by this Assembly to take decisions on behalf of this Assembly. The committee make these decisions with the benefit of proper training and with all the relevant facts and advice at their disposal. I ask that this Assembly opposes the proposition.

5.1.2 The Connétable of St. Peter:

In responding to the proposition of the Constable of St. Helier, I wish to remind Members of the decisions already taken in regard to the commercial independence of Andium Homes and specifically on the planning application for La Collette Low Rise. The key reason for setting up Andium Homes stems from the States' approval of P.33/2013 and the establishment of Andium to: "Improve the States-owned housing, social housing stock and with the financial capacity to develop new social housing, when required, on a sustainable basis." At that time, a quarter of States-owned homes at that stage required significant improvements to meet the decent home standards. Further: "To establish a new role for the Minister for Housing and the Strategic Housing Unit to develop a housing strategy, prioritise resource applications within the social housing sector and champion the supply of homes." The States Treasury, on the agreement of this Assembly, took out a £250 million bond to provide the finance and flexibility to deliver these much needed improvements to the home standards and the delivery of new social housing schemes that meet the increasing demand. These steps were taken by the Members of this Assembly to address the problems with the system, as were in place at that time, and which was failing. We, the States Assembly, further decided that we needed to right the wrongs that had existed in failing to either maintain many of our homes to a decent standard, or meet the increasing needs of the population of Jersey for decent social rental housing. These steps were about doing the right things for the right reasons. These

were the steps that were taken by this Assembly at that time. We are just 3 years in and what are we doing? We have now had 2 propositions on the floor of this Assembly that failed to focus on the development and implementation of States-agreed policy. This creates the potential to fail to deliver essential improvements to the residents of La Collette Low Rise and reduce the delivery of urgently required decent homes for our population: that is families with young children working in our economy that urgently need decent and affordable homes. This interjection into the Assembly's appropriately approved policies, agreed by this Assembly, has caused delay, has increased costs and reduced the hopes of many families that are desperate for a decent affordable home. Turning now to the need for homes: the need for these homes is well established and has already been acknowledged. The redevelopment of La Collette Low Rise flats has been a stated planning ambition for some time. The Planning and Environment Department brought the Island Plan 2011, revised in 2014, to this Assembly for our approval and specifically identifies the low-rise complex as: "One of the outworn category A affordable housing sites that represents a redevelopment opportunity, which would realise a significant net increase in affordable housing numbers." 147 new homes are planned for this site, 88 more than the 59 that currently exist. That was agreed by this Assembly, on the revision of the Island Plan. We have made that decision twice with regard to the Island Plan: in 2011 and again in 2014. The Housing Gateway *Future Housing Needs 2016 to 2018* report and the Environment, Housing and Technical Services Scrutiny Panel *Supply of Housing Review* all make the case to increase supply of homes. Turning now to the benefits of the La Collette scheme; clearly the additional homes and the improved standard of homes are of significant benefit, along with the opportunity to regenerate this part of town. Additionally, the development will actually increase the current onsite open space by 817 square metres. I note the Constable said it was going to only leave 20 per cent of green space. What that refers to is 20 per cent of the green space that is currently there will remain where it is, but a further 817 square metres will be provided within the development for the use of the people living there and general access for the general site of La Collette. Additionally, a reasonably sized roadside green swathe and some existing trees will be retained and, again, additionally, this scheme will also provide for a new community facility, as mentioned by the Constable for the use by residents and the wider Havre des Pas community and a large public space and *pétanque* court to the front of the development. The independent planning inspector, in his report to the Minister for Planning and Environment, described the scheme as well-conceived in terms of scale, density, layout and general approach. He went on to state that it would not have unreasonable impacts on neighbours, the townscape, views and vistas, or the character of the area. Indeed, it has considerable potential to successfully regenerate this important site, to make a positive contribution to the character, appearance and general vibrancy of the area. Those are the points made by the independent planning inspector on the back of the third party appeal. Turning now to the planning process, Andium Homes has fully complied with the entire planning process, as alluded to by the Constable of St. Helier, and that process has been agreed by this Assembly. The project has been the subject of an independent planning inspector's review. Prior to the hearing of that review, Andium Homes committed to fully adhere to whatever conclusion was found by that report. The inspector, however, was supportive of the current scheme and outline planning permission was subsequently granted by the Minister for Planning and Environment. May I remind Members that the States set up the planning process and Planning Applications Committee as the planning authority for the Island? In doing so, it acknowledged that planning decisions were not best made on the floor of this Chamber. This was acknowledged by the inspector in his report, specifically points 96 to 98 of his points, and I quote under procedural issues: "Point 96. While I listened carefully to views about procedural concerns, I can see no evidence of any failings. Point 97. With specific regard to the States proposition, P.78/2015, brought by Deputy Labey of St. Helier, I have considered this as a material consideration. It is material, because it highlights the importance that some residents and politicians attach to this green space. However, the States Assembly considered only one aspect:

the open green space arising from the development proposals, and it was not sitting as a planning applications committee. The full planning consideration of this proposal has to assess all material considerations and must reach a decision based on the planning balance. The decision maker is not bound to follow the views of the States Assembly on one discrete matter or, indeed, to follow the views of the public representors, whether for, or against, the proposal. Point 98. The scheme is one that has been the focus of different views and a degree of local contention. However, the department's officers and the Planning Applications Committee have made recommendations and decisions based on a full and comprehensive assessment of material considerations. I do not consider that there have been any procedural failings." I ask the Assembly: has Andium done anything wrong? Have they not followed all the proper planning processes that we require of them? Have appeals processes that we, as an Assembly, put in place, not been used, or have they been ignored? The answer is no, they have not. They have, in fact, acted exactly as we would require them to do, as we would expect any other developer to do. Why then are we, in this Chamber, seeking to override a decision arrived at through due and proper process? Do we have better information? Ultimately, it comes down to: do we have confidence in the planning process and the systems that we have agreed to put in place? Do we not have confidence in the planning appeals process that we have put in place? Can we honestly say that we are in a better position to determine what is right? Consider the hours, days, weeks spent by experts, armed with all the facts and hearing all the arguments in the appeal process. Can we honestly say we believe that they are wrong? For clarity, Deputy Labey's report and proposition, P.78/2015, did not ask anything of Andium. It asked the Minister for Planning and Environment to consider keeping the green space. The States should only intervene if there has been a significant failure in the processes that we, the States, have put in place. Can we honestly say that is the case in this particular planning application?

[15:00]

Turning to the cost impact, Andium Homes has invested in the region of three-quarters of a million pounds on this project and over half the existing residents have already been successfully moved to alternative homes elsewhere. There would be further aborted fees if the scheme was to be redesigned and over half a million pounds lost a year in rent, the current homes being emptied on the back of a promise of Andium to their tenants not to make them suffer another winter in those appalling conditions in La Collette Low Rise. Should the scheme have to be redesigned to maintain the existing green space, less homes will be delivered. Indeed, a reduction of the numbers could make the whole scheme unviable. As we have seen in many other planning applications, there will always be some people who are unhappy with proposals. That is why the States approved a planning process. States Members must have faith in that process. If Members support this proposition, then a precedent will be set. It is likely that more and more of Andium's planning applications will be dealt with by this Assembly. Andium Homes would then be faced with 2 planning processes: one through the Planning Department and one through the States Assembly. This will create an uneven playing field with Andium Homes at a disadvantage to other developers, who will not face that double approval process. This will delay developments and increase costs. Homes will either be more expensive, or will not be delivered at all. In the relatively short time since its incorporation, Andium Homes has delivered, as the Constable said earlier, 227 new additional homes with affordable rent, and I would like to just let you know where they are: 80 new units at Andium Court, 23 at Brooklyn Court, 35 at Ernest Briard Crescent, 44 at Walter Benest Court, 24 at Le Squez phase 2C, 21 at Le Squez phase 3, totalling 227. The company has also worked very hard to increase the number of homes that meet the decent homes standard. Compliance back in 2014 was 73 per cent. Today it is 93 per cent. That is in June, this month, 2017, where significant refurbishments have been carried out, and I will go through these for you as well: 32 units refurbished at De Quetteville Court high rise, 29 at Hampton Gardens, 20 at Nicolle

Close, 52 at Windsor Court, 8 at Clos des Sables. All of these things that we have asked it to do it has done and it has done them quicker than it initially set out to do. Andium will reach 100 per cent of decent homes by 2020, 4 years earlier than originally expected. We know from P.33/2013 that had a significant investment not been made in the stock, decent homes compliance would have decreased significantly over the following years, due to the lack of funds made available by this Assembly, which was put right by getting the Andium bond. If this proposition is successful, Members need to be left in no doubt that it will adversely affect the ability of Andium Homes to deliver homes meeting its own and the States', this Chamber's, objectives. This is a far wider implication than just La Collette Low Rise. Indeed, it calls into question why the company was set up in the first place. Supporting this proposition will inevitably be to the detriment of the end users, those wanting social rental homes, or to buy their first affordable home. I would like to implore Members to put the need of persons and families, who desperately need decent homes, rather than the wants of a few, to put a strip of unusable grass above the needs of those families, many of whom are doing what is termed as sofa surfing, families split up, living in separate places, because they cannot find a home of their own. Today, as of Monday this week, there were 884 people desperately looking for homes with Andium Homes on the Housing Gateway list. I had a telephone call earlier this week, on Monday, from a resident of La Collette imploring me not to speak against the Constable's proposition. He reminded me that Deputy Labey brought a petition of 500 people to this Assembly and he is right, of course, he did. But 884 people want homes. I think, for me, those people's needs trump 500 people on a petition. A couple of other comments of the Constable I would like to just quickly cover if I can. I have mentioned the 20 per cent space. He also spoke about a canyon effect, with the buildings and the height of them. The first planning applications, as the Minister for Planning and Environment said, were higher and they have been reduced. One of the buildings currently sits right down to pavement level. The new developments will be set back 15 metres from the pavement. There will be no canyon effect created by the development of new homes down at La Collette Low Rise. One other question I ask of the Constable: he did say there were over 1,000 new developments of properties by developers, including Dandara, in the town area. I would just ask him how many of those are for our very needy social rental tenants. I implore Members to reject this proposition and put the needs and not the wants of the people of our Island first.

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

Where do I start? Firstly, I would like to commend, like the Constable, Andium in the work that they are doing in the north of St. Helier and other sites. They have been very high quality properties that they have been putting up. They do engage. They are not scared of turning up to a bunch of angry residents and hearing them out and I think they do a sterling job, I do. Can I just say nobody has said that this site should not be ... well, could I correct that? We have one resident that says it should not be developed at all, but nobody else is saying that this site should not be developed. We agree that this site is right for a form of development. The residents agree that this site is ready for a form of development, so can we put that in the bag? Nobody has been saying, apart from one, that this site should not be developed at all. I am on the Planning Applications Panel, as well, and it is not always an easy job to do, but one thing I do see on the Planning Applications Panel, to respond to the Deputy of St. Martin, I see many planning applications that have been approved, they have gone through the process, they have permission to build, come back, because the owners that have put in that application want to do something different. I saw one last week down at Ouiasné where they had permission. They wanted to amend it, so they have come back through the process and asked for an amendment. This is exactly what the Constable is doing with this proposition. He is saying that the owners should redesign it and come back with new plans. Who are the owners? Are Andium the owners of the site? Who are the owners of Andium? Well, the people of Jersey are. Who are the representatives and the speakers for the people of

Jersey? We are. How do we talk to Andium? It is through the Treasury shareholder representative. So, the Constable has come here today with this proposition to say, as the representatives of the owners of the site that put in the planning application: we would like you to amend it and keep the green space there. Just show us what it would look like, because one thing we have not ever seen is this site - what it would look like to be developed - holding that green space open. The protection on that green site does not mean that you have to keep it in its exact shape or form. You just have to keep the green area and the trees. You could level it off. You could do something. As long as it is still green and it is still open and it has the trees there, that would meet the requirements of the highest level of protection that we have put on this green space. So, we are asking for the owners in this Assembly, the representation that we can only go to, to ask them, to say: "Can you change this?" It happens with many other planning applications. This is not going against what has already happened. Now, the planning application has gone through, of course it has, but any owner has the right to change that, or amend it, or put in a revised plan. So, this is what this is asking for. Let us not confuse that. Let us not confuse the fact that the residents have said that they agree that it should be built on, but let us look at what is something that would be a bit more acceptable that will not go over the green site. The Minister for Planning and Environment said that this is protected by the policy SCO4 and that is correct. It says: "The Minister for Planning and Environment will protect existing open space provision and the loss of the open space will not be permitted, except where it can be demonstrated that [and there are 4 parts to this] its loss will have no serious impact on the adequacy, quality and accessibility of provision of the type of open space affected by the proposal." So, we have public open space that is seen by the road that will now be hidden behind a development for the residents of that development. It will be hidden away. So, I would say that it is not the provision of the type of the open space affected. That does not fit that policy, as far as my opinion on this is. "Alternative replacement provision of the same, or better extent quality and accessibility of open space can be provided." Well, we look at this again. This is open, public, green space. The accessibility is to the public, so it does not meet that requirement either, because we are going to hide it behind gates and it will be for the residents. "The proposal will be of greater community, or Island, benefit than the existing open space resource." It meets that. I am sorry, we are talking about social housing and I think we all accept that that could meet that policy, because it is for the benefit of the Islanders as a whole. Four: "Its loss will not seriously harm the character and appearance of the locality." When you go down Green Street, it is seriously going to harm the look from what we have now. We are going to have a great big wall of flats where there was open space with trees. I would say 3 out of 4 of that does not meet, as far as I interpret this policy. We are not overriding a decision of a planning application, as the Constable said. We are not overriding this. We are asking for them to come back and reassess it, to come up with a different plan, which happens in other planning applications, for other people. It is no different here. We talked, yesterday, about how we have 3 Senators from St. Ouen, lovely and green, but they do not hold the rights to green open space. We have to have it. Our strategic policy talks about St. Helier and making it regenerative, so the argument that we are going to get a community centre and we are going to get this, that and the other, that should happen anyway. That is part of our strategic policy to the betterment of St. Helier. It is not just about building houses. It is about building the community stuff as well. So, to say: "Well, we are giving you a community centre," I would expect that anyway. I think you should support the Constable in this, just to tell Andium, as the owners, to come back with some plans and show us what it would look like. It would be great to see. Maybe it will not be as developed as it could be, but is that a bad thing? I think this should be supported. We should see what it looks like. We should work with the residents, and I have to fight for my constituents here. So, I implore everyone to support this under these terms. We are not saying we are not going to develop on it and we do not want it developed. We are not saying that we are going to override a

planning application. We are going to say: “Can we look at it again, as the owners have the right to do?”

5.1.4 Deputy M. Tadier:

I know the area quite well. It is on my new doorstep and I pass it often on my bicycle. If we talk about the recent debate, we have just had in the last day or 2, we have been talking about the importance of keeping the Constables in the States and we have a Constable representing his parishioners in there, all 33,000, or not necessarily with this particular proposition, but the people of La Collette and the surrounding area and we have a Deputy for the district in St. Helier doing absolutely what he should be doing, representing the constituents first and foremost and, I think, hopefully, doing something he believes is right. We would all be doing that. Indeed, I have done it myself, in the past, when it has come to protecting green spaces, which were open for development. I could count on the support of this Assembly to protect that. At the time it was not giving direction to Andium, but it was similarly asking the Minister for Treasury and Resources ... in this case it was part of, I think, a broader ... I cannot remember the context, but it was to ask Property Holdings and, therefore, the Minister for Treasury and Resources, not to proceed with these plans and it was successful. I think it is important that we do show some solidarity, otherwise it just becomes us being reverse N.I.M.B.Y.s (not in my backyard). It becomes: “Well, this is not in my patch, so I am not going to support that.” In fact, the in-principle has already been made, because Deputy Labey of St. Helier already came to the States and, effectively, the democratic decision of this Assembly was that Deputy Labey was right that we should protect the green open spaces in St. Helier. You can argue about the technical nature of the wording of that proposition. Maybe it was not to the right person, maybe it should not have been to the Minister for Planning and Environment, but we have a different form of words here, which is, I think, definitely right. The previous speaker also, I think, hit the nail on the head. Notwithstanding the very good speech and the corollary of both problems and proposed solutions that Andium are bringing to the 884-long housing list, which is not a great statistic, really and endorsement for the current and previous Governments to have such a long list there.

[15:15]

Clearly, one, or previous, Ministers for Housing were asleep at the wheel when they allowed the housing stock to get into such bad repair over such a long period of time and for these individuals, who were paying their rent, for that not to be reinvested. So, that has to be a litany of shame for previous Governments in recent years. Notwithstanding the good work that Andium are doing, that is completely irrelevant to what we are talking about today. We are simply saying: keep the green space, resubmit the plans. It is not even really relevant to talk about what the Planning Applications Committee is going to pass, because they look at the plan that is in front of them. Of course, if the plan in front of them does not have much green space, they can only judge it on the overall merits of the scheme and, no doubt, they will look at things holistically and say: “We are allowed to pass this scheme. We are being given a very compelling case by both the architects and the people sponsoring this particular plan and the overall need is there.” That is why, I think, to be sure, this Assembly needs to give its opinion yet again. There is nothing unusual about an assembly of elected parliamentarians saying what they think on an issue and expecting something to change. I think this is part of the issue. So, the 2 points I really wanted to make is that ... the first point is that it is becoming increasingly difficult for this Assembly and, indeed, the elected Members, in this case, of St. Helier and the St. Helier constituency, to get a result in this Assembly and to make it happen in the real world. Part of that problem is again because of quangos. We have abdicated our power to change things in the real world by setting up these artificial bodies that we cannot direct, or control. In the past, we would not have needed a second debate, because Deputy Labey would have won his proposition and we would have told the Minister for Housing:

“This is what we want you to do” - or the Housing Committee, depending which it was - “Now go away and do it.” It would have been unconscionable for anything other than that decision to be carried out in short order. In this context, the same plans were submitted which disrespected, if you like, the underlying desire and request of this Assembly, so that is fundamentally undemocratic. It is a shame that we have to be in this position yet again today, but I hope that Members of this Assembly will acknowledge and ...

The Greffier of the States (in the Chair):

I am sorry to interrupt, Deputy, but I think we are below quorum, so I would ask all Members outside the Chamber to come in to restore the quorum.

Deputy M. Tadier:

Could I ask for the roll call?

The Greffier of the States (in the Chair):

The roll has been called for. Could Members return to the Chamber? If Members have had time to do so, I ask the Greffier to call the roll.

Deputy M. Tadier:

Could I ask for an oral roll, please?

The Greffier of the States (in the Chair):

Sorry, can we call the roll?

[The Roll was called]

The Greffier of the States (in the Chair):

That seems to have solved the problem. Deputy Tadier, would you like to resume your speech?

Deputy M. Tadier:

I am glad the Ministers are back; some of them are in their seats, so they can hear me attacking them on population control, because this is an integral part of, I think, what is up for grabs here. Their Strategic Plan, which talks about a plan to protect St. Helier, could have also been called a plan to get Senator Ozouf re-elected at the last election. I am sure that was not the objective of it - he did get re-elected - and it came at the last minute, saying: “We had better stick something about St. Helier in there, because otherwise they are never going to vote for us lot” and some of the ones who turned out to vote believed it sufficiently to cast their votes accordingly, you could argue. But, nonetheless, we do have something in the Strategic Plan which talks about protecting St. Helier and investing in St. Helier, yet we have seen plans submitted, which are suboptimal in terms of protecting green space. I do not think it is an either/or; I do not think you look at having quality housing and getting the housing list down at the expense of green space. They are not green fields. It cannot be either that we pit town against country constantly, because if we are going to protect green space in the country, we should be also looking after the relatively limited amounts of green space that we have in the capital and the surrounding area. Now, the reason I wanted to talk about population is because it does boil down to that. We cannot support a system and a Council of Ministers which constantly fails to meet their own targets on population, which breaks its own promises on population and which forces more and more people, often low-paid individuals, who cannot afford to buy, and are in rental, either social, or otherwise, into the urban areas at the expense of green space. Even if we are not the ones bringing forward that policy by a *de facto* support, a tacit support of this Council of Ministers, we are equally to blame if we are the ones that support that policy and their inaction. I see it as an addiction to a form of economic growth on their

part, which is unsustainable. The problem with an addiction is that we know the principle of the decreasing return, is that you have to take more of the substance; your addiction becomes stronger to the point, in this case, that they look at economic growth based on population growth, because they need to extract more from the many to get the same economic hit. That is fundamentally unsustainable. So, this Council of Ministers, this Government, needs to rethink their economic model if St. Helier, and indeed the rest of the Island, is to have its green spaces safeguarded.

5.1.5 Deputy S.M. Brée:

A lot has already been spoken about regarding planning process, various planning codes and arguments have been put forward by a number of Members that this Assembly should neither get involved in, nor interfere with planning applications, or decisions. We are not. This is not what this proposition is saying. It is very clear what this proposition is about. I feel I have to remind certain Members that Andium is 100 per cent owned by the public of the Island of Jersey. We are the elected representatives of that public, we are the shareholder. So, what this debate is about is the shareholder giving direction to the company directors to act in a fashion and manner which the shareholder wants. It has got nothing to do with planning applications, or processes. To suggest that it has, is somewhat spurious and misleading in the sense of, this is not what this debate is about. We, the shareholder, are discussing, debating and, hopefully, agreeing, that we wish to give the company directors, through our shareholder representative and I stress the word “representative” - the Minister for Treasury and Resources - that we wish the company to take certain action. This is not attempting to interfere with the Planning Applications Committee, it is not attempting to interfere with the planning process. We have already debated and agreed that, as the shareholder, we wished the green space to be saved. We have already agreed that, so what we are doing here this afternoon is, as the shareholders, deciding whether or not we wish to give direction to the company. It is that simple. Therefore, I would urge Members to support this proposition on that basis.

5.1.6 Deputy D. Johnson of St. Mary:

In general terms, it seems to me that this proposition touches on the general attitude of Andium to the environment as a whole and how they see the need to follow instructions already given by the States. I have before me a copy of the M.O.U. (memorandum of understanding) between the Minister for Treasury and Resources and Andium Homes. Nowhere in that document is the word “environment” mentioned. It was dated July 2014. The following election, the Government identified its 4 priorities, one of which was St. Helier. I recall that, subsequently, the Environment Scrutiny Panel, of which the Constable of St. Helier was then chairman, had amendments brought in to recognise the value of the environment and matters should have proceeded from there. As I say, I do have concerns that those decisions by the States have been taken on board by Andium and, whatever the result of this debate, I would ask that urgent consideration be given to a review of the M.O.U., to make sure that it is strengthened, so that such matters can be, perhaps, determined in advance rather than having to come to this Assembly.

5.1.7 The Connétable of St. John:

This is a serious, but at the same time, very complex, proposition. We have heard Andium being congratulated and I think, yes, they should be, and rightly so; they do an excellent job and they have done a very good job in providing quality social housing. The Planning Department have followed procedures, they have followed the law, they have followed the planning application and they are to be commended for the work they have done; they have followed the process. Absolutely correct. There is, however, one area that appears to be missed; this was touched on by Deputy Wickenden and it was clearly spelt out by Deputy Brée: the Island of Jersey owns this site.

[15:30]

We have been elected by the Island of Jersey to represent their wishes. In doing so, we cannot all go into the office of Andium Homes and debate what we would like, so we have elected a shareholder representative, whose duty it is to take forward the requests of this Assembly to the board of directors of Andium to ensure that they, in turn, carry out the wishes of the owners of the site. It is all very well having a site passed by Planning that ticks all the boxes and is correct, but what if it is not what the owners of the site wanted? I would like to hear from the shareholder representative exactly what instructions were given following P.78/2015, when this Assembly said they wanted that green area protected. Was that specific request made very clear to Andium Homes, who act on our behalf, or not? If those instructions were not given, why were they not given? Because this was the request of the Assembly.

5.1.8 Deputy J.A. Martin:

It feels a bit like Groundhog Day and we are here again, because Deputy Labey, as far as I was concerned, brought a very good proposition, it was won, and it was ignored by Andium. I would like a little bit of a history lesson: everybody keeps saying: "What a great job Andium are doing, and why could Housing not do this?" Well, let me tell you, when, say, Housing had a house worth £200 a week and the tenant could pay £50, that is the amount Housing received. Andium receive the £50 a week from the tenant and they receive the other £150 now from Social Security. It is a given: someone is paying for that. When we passed that proposition, Andium, or the proposed board of Andium, said they also must have 90 per cent of market rents to sustain this debt. That got passed, but if you can go back and it was, I think, the Deputy of St. Peter, who was Scrutiny chair then and Deputy Hilton was on the Scrutiny Panel as well, there were some concerns that this has to have a watching brief kept on it. Every time we have anything like this: the Ports of Jersey, Telecoms, we get people standing up here, like the Minister for Treasury and Resources, or whoever they are, hand on heart, saying: "Trust us, because you will also always have a hand in and an influence, because I can direct them to do something." Has it ever worked? How much did they fight, only a few months back, on the Telecoms bills? Until they realised it did not really ask them to do anything that Telecoms had not already done: "Oh, yes, sorry, we have accepted this now." But no, it is sold to us as an Assembly, every time: "You are not giving up this. We are putting this out to private people. They can do a better job." I would like anyone to see anyone who works at Andium - which was Housing before it was incorporated into Andium - who is not there now, plus a few extra people. Doing an excellent job, but the other people never had the money. Someone is paying. That is Social Security. I asked that question the other day. Only 29 per cent of tenants were on the new rent. Where is the money coming from when it is 100 per cent? Nobody has budgeted. But this, we pass in this Assembly. What annoys me; and me and my Constable have fallen out a couple of times over this: we were made the fourth priority, the States' fourth priority. Was that so you could shove everything into St. Helier, build on every bit of green space? I mean, come on, this is ridiculous. It is a tiny bit of space. Andium had the cheek, down at the Havre des Pas meeting, to say: "Oh, if we are forced to only put 100 units on it, it would not be viable. It does not add up". They own the property. It has been bought 50 times over for the last 50 years, when nobody spent a penny on it, nobody. It is not unreasonable. You start to begin to think to yourself: "Why did I turn up for that debate? Why did I even speak and why did I vote in that way?", because they go away and ignore. The Minister for Planning and Environment said, well, they had already made their decision before the first debate, and how dare you, and everyone still decided to have a vote, which I am still miffed at. Senator Routier has walked out today, he has no financial interest, he has got a son who lives at the back of the property, but he has walked out. To me, it is really, really weird. Even the comments; why is it enforced home? We have got the comments from the Council of Ministers and the first person to speak was the Andium representative, who is the Assistant Minister for Treasury and Resources. But, no, make them even harder and make them the Council of Ministers' comments. You are not collective in that; the Council of Ministers cannot

go to Andium. The only person who can, who is sitting directly opposite me, is the Minister for Treasury and Resources, which this asks for. It is simple: do the right thing. As I say, me and the Constable of St. Helier do not always agree. He has always been open to build, build more in the town. I have always had a caveat, but when it comes to absolutely destroying little bits of open space like this, I say to my Constable: "And you still trust them? You believe them, because I do not". He is probably a better person than me; he does not see the Reds under the beds, or is not so suspicious and he is very, very, still: "Come on. St. Helier will take it. We will do our best." But, there are a couple of sites which have been really controversial. We are pushing, they are pushing. This one, nobody is saying no. We are not even saying: "Do not do it." Instead of the 150-odd, bring back something, keep the square, the green and do 100. Simple. Nobody will lose money, because it has been owned for years and not had a penny spent on it. I have to leave it there, but if you want St. Helier to be your full strategic priority, show us some respect and show the representatives and the people who live there, that you mean it and follow up on your words, please. [Approbation]

5.1.9 The Deputy of St. John:

I am not sure how I am going to follow the last speaker, but I think I am just going to keep it to the actual agreement, which the States Assembly agreed when we brought in the articles of association for Andium: P.60/2014. Under the definition of guarantor, it means: "The States, acting through the Minister for Treasury and Resources, in accordance with the Transfer Law." Under paragraphs 16 and 17, it talks about the directions: "If the guarantor shall, in his discretion, be of the opinion that a matter of material public interest has arisen and that it is appropriate to do so, the guarantor shall be entitled, by notice in writing, to give the directors directions to refrain from doing a particular thing, or do a particular thing, which the directors have power to do and the directors shall be bound to comply with any such direction. Also, any such direction, or other written instrument, shall be validly executed, on behalf of the guarantor, if recorded in accordance with ministerial procedures as a Ministerial Decision. Any such direction, or other instrument, shall take effect upon delivery thereof to the office." So, my question is: if the Minister for Treasury and Resources would be so humble to explain as to why he did not follow those instructions and the fact that we have it written in articles of association and it was agreed by this States Assembly in 2014? This States Assembly has stated already that they do not wish the open green space to be built on; we have already instructed the Minister for Treasury and Resources to do as such under paragraphs 16 and 17 of the articles of association. So if he could please explain why that has not happened, I would appreciate it.

5.1.10 Senator P.F.C. Ozouf:

I am accused of being divisive sometimes and excitable and I am going to try very much not to be that, because I do not need to get any more problems. But, in being divisive, I think "divisive" means that you have to explain both sides of the argument, or having one opinion, rather than just hiding behind various different issues. I am going to be divisive, because I am going to try and explain in a way that there is a real problem about what the real substance of this proposition has been. I am sorry if I did not hear all the observations and if this is repeating I apologise, but this Assembly is not a planning committee and it is a decision-maker in respect of the Island Plan. The Island Plan designates certain categories of land in different ways. There is important public open space and there is green zone, *et cetera*. There are some bits of land that can never be built on and some bits of land that can and discretion is applied. This is a real problem because, effectively, again, and in the previous decisions of the States Assembly, we have tried to make planning decisions. I was criticised earlier - I get lots of criticism - I think it was Deputy Brée who said that we should forget about the outside world and we do not need to look at other places - I was wrong to in an earlier debate take issues from other places. Sorry about that, but I think you can learn a lot

from other places and you can basically learn from the experience, positive and negative, in other places, and decide whether or not we can improve our decision-making here. The U.K., and I am going to use some direct quotes, is having a general election tomorrow. The issues of the general election are population and immigration. One of the main issues in the election is housing supply. One party has set out their plans for, effectively, housing supply. Some Members are looking at me strangely and saying: "What is he talking about?" What I am talking about is the difficult trade-off that Ministers and we as the States of Jersey, have to make. Because nothing is easy and there is no right solution but, on balance, what is the right decision? I am shocked to read this afternoon that, I think, £81 million of the £250 million Andium bond has been spent. I am absolutely shocked. I did not go out and work extremely hard to go and get £250 million for improving the social and housing stock of Jersey, to see that money sitting in the bank. I want people in Jersey to have the ability to own, or rent, or have their own home and to have the ability to afford their homes. The trade-off is where do you build those homes? "Oh", I hear people say, "it is all about ..." and Deputy Tadier gave me a good telling-off, because this is only about population. Well, you cannot have it all ways, I am afraid. If am the divisive person that is going to say what the trade-offs are between population increase - and if you do not have a population increase, therefore, we do not need any houses - and the fact that taxes will have to go up, income tax will go up, because of an ageing society, social security rates will go up. We will not have enough people to, effectively, be the workers, because there will be so many retired people. Somebody has got to say these things and somebody has got to explain the trade-off between not having a rising population, or the real objective, which is keeping the working population constant, so that we can afford for an ageing society. We do need to have a growing economy and a slightly growing population, so that we do not have G.S.T (Goods and Services Tax) at 20 per cent or a top rate of tax of 45 per cent.

[15:45]

There are choices. I regret that there is now a choice before the Assembly of stopping, effectively, the delivery of more housing. I do not know, if I am absolutely honest, whether, or not, the Andium proposal is the right one. What I do know is it has been through an Island Plan process, it has been through a Planning Committee ... apparently this Assembly does have a Planning Committee, it does make decisions, based upon the Island Plan and it goes through an inspector. I am sorry, I know we like to control everything, but do we really think we can control Andium? The Deputy of St. John is absolutely right about the articles of association, but do we think we should be micromanaging and having the ability to instruct Andium in the way of dealing with these things? I know I am upsetting some people, I am being divisive, because I am trying to raise the issues that are the real trade-offs that are before this Assembly. It is 2017; we have raised tens of millions of pounds to deliver on housing supply, we have a critical shortage of accommodation that is required in terms of our social housing, in terms of first-time buyers; we have got Andium, which has been through a whole process that could deliver some houses on a site, which is needed and we are saying no. What is the more important issue? It is really difficult. I am sorry, if there would have been change in policy of the Island Plan to designate this as never being able to be built on, as far as my understanding of what the Island Plan was ... and I have brought forward changes to the Island Plan with protecting space so that it can never be built on. I think Deputy Hilton brought a proposition in the days of the old Environment and Public Services that did that. I simply do not understand where we are, why we are having this debate today. But, on balance, is it really sensible now to say: "No, we cannot go ahead with this vitally important development to basically increase housing stock"? The Member that sat next to me in the last Assembly was Senator Le Marquand, who used to say: "The danger of a good plan is a perfect plan." I am sorry, but there are issues, there are trade-offs and there is significant - I have heard somebody making an expletive, I think somewhere around here - from what I am saying. I am sorry, it is really difficult, but this is just no way to make decisions. This is no way for the Assembly to make a decision about a

planning consent. Where does this end? If there was to be an absolute decision for the Island Plan to be amended to protect this, then it should have been given that designation, not this sort of ability, can do, cannot do, because there are differences, as I understand it, in the Island Plan between different areas of green open space and not. There are different designations. The Island Plan has that ability. The Island Plan did not have that ability to that level of protection, from what I understand. If I am wrong, then I can be corrected. There is a housing crisis in the Island. There are people who cannot get into homes. I was speaking to a lady this morning, who needs to get into social housing, because of a medical condition and cannot be housed, because there is insufficient supply. Fine. If Members think that the acute issue of housing supply is more important than this particular piece of public open space, or this particular green area, and all the aborted costs that are there ... and I hope the Constable is not going to be too hard on me for being very much a defender of St. Helier and saying that I think there should be more green spaces, rather than less, in St. Helier. They should be disagreeing with Deputy Martin: there needs to be an increase in housing supply in St. Helier. There has to be. St. Helier can be regenerated, it is not just about density. I just simply do not understand why we are here and why we are going to effectively stop a much needed housing development that is ready to go - of which we are losing significant amounts of money that this Assembly has made a decision to raise in order to invest in housing supply. Now, I am sorry, but there is a trade-off. There is a trade-off of a decision to make much needed housing supply, because if this decision is put off, I imagine that it is going to take 18 months before anything can start, probably longer, we are not going to have ... you can always find a different type of scheme, maybe there should have been another third tower block along there. I, personally, do not object to the 2 tower blocks along there against the escarpment, but I have a view and that is only my view. Lots of people can think of lots of different configurations. Density is not the issue. Those Members who say that it is density, I am sorry but some of the best living quarters is somewhere in the most densely populated estates that I have been to. Again, I am sorry, some of that is not in Jersey, but I have seen some fantastic living spaces with very high density issues. I think the big issue is decision making and what you do. You set up Andium in order to do a remit, to deliver on increased housing supply. We go and borrow £250 million, in order to get building work done, when the construction industry can get affordable accommodation and now, because the economy is taking off - yes, it is actually taking off - and costs are rising, construction costs have risen, I think, by 20 per cent in the last 2 or 3 years and so now we are going to, effectively, put this development off; we are holding all this money from the Andium bond and we going to then deprive people of housing, so that is the trade-off. I agree, green areas are important, but the consequence of that is more waste of money, of money sitting there, doing nothing, which was raised for the purpose of housing. People who need housing not getting them for at least 2 years. There will be at least 100 families or so ... or more not being built. So, if Members think that that is acceptable, huge waste of money on the bond, which was designed to get the economy going and the construction industry going; a construction industry that is now going to be overheating, because we are putting off so much development which we need, to effectively rebuild existing accommodation, office accommodation and all the rest of it. Funnily enough, office accommodation is required, that is quite clear now. All the people that said that that was not required, yes, it is needed and that is good. Members think that it is really good to put this ... what is the value of this development? £45 million worth of construction costs that, if we put it off, is going to cost, probably, I do not know, 10, 15 per cent more, because it will take another 2 years for that. How much money are we going to lose because the money is going to be sitting there, because it is not doing anything? That is the trade-off. If that is divisive, I am sorry, but the balance of arguments is: this piece of green space, which is nice and important and I understand that, but there has been a democratic process, through an Island Plan and a Planning Committee and through an inspector that has approved this and said that it is fine, according to those processes. We have money that will be wasted, because it is sitting there, additional costs of the construction

of the invariably new proposal that will come forward and people that will not get housing. If people think that that is the balance of the arguments, that all of those losses: loss of money, increased costs, people not getting housed, effectively saying: “No, we have an Island Plan, but it does not really matter, we will bring back poor decisions. The planning panel, it does not matter about that; the inspector, it does not matter about that.” If they want to throw all that aside for, effectively, this piece of green open space, because they think that is the overriding importance, they have the right to vote in favour of this proposition. Personally, as much as I lament the loss of green space - and I do not think there should be any more loss of green space, I think there should be more green space in St. Helier ... and Fort Regent, as I am one of the few people I think that still probably go up there and go around there, there is a huge amount of green space if you could get up there and go and enjoy it, but you cannot. It should be within about 3 minutes walking from this space here. I know Green Street looks nice, but if you really want to get some nice green space and some feeling of open space, then Fort Regent is probably 3 minutes away with some decent access for the people that would be living in this terribly dense space along Green Street. But we cannot get our act together on that either. If Members think that that is important, then fine. I do not think so and I am sorry, I deeply regret having to vote against something the Constable of St. Helier ... who I supported in all of the things there. I absolutely ... I will take on Deputy Tadier when he says that he is going to sort of, you know, besmirch my reputation in defending St. Helier. I am one of those people that did argue for rates, did argue for fairness and did argue for, effectively, St. Helier having a better deal. I stand by that and I will continue to argue for it. Do I think this is perfect? No. But on balance, do we throw out all of this issue of value for money, housing and an increased cost bond for, effectively, this piece of green space. I think that, on balance, the green space is important, but it is not as important as all those other areas when we have a crisis in all the others. I am sorry if that offends Members, but that, on balance, is my view and I hope other Members would be sympathetic to that view. I do not like being here, but it is tough making decisions and it has gone past the stage where we can say no to this, in my view.

Connétable J.E. Le Maistre of Grouville:

Could I raise a point of order? The Senator, I am not sure what he heard, but he sort of intimated that there has had been expletives from this general direction. Can I say that I neither heard nor uttered an expletive.

The Greffier of the States (in the Chair):

Well, I can confirm I heard nothing and, if I heard nothing, it did not happen.

Deputy M. Tadier:

Could people say the expletives louder in future, so that we can hear, because it is most unsatisfactory.

5.1.11 Deputy A.D. Lewis:

I will attempt to take the octane down a little bit, particularly after what happened earlier today. I stand, slightly in trepidation really, because I have stood in this Assembly before and said, as an Assembly, we should not interfere with the planning process. I still stand by that, but I do not believe in this instance that is what we are doing, because I firmly believe that the planning process has been followed very well, very adequately: the panel has done their job, the inspectors have done their job, the Minister has done his job. We are not disputing any of that. That is all a process that has happened and happened very well. But, if I would take you back to other assets and companies and outside bodies that we have interest in, or own ... let us have a look at the Jersey Development Company. We were told by the Minister for Treasury and Resources and others that when the Finance Centre was going to be built, one of the benefits of the public doing this was that, one, we would gain some profit from it, hopefully, eventually; but, particularly, there would be a lot

more public realm and public space, that a developer would not normally do. The Minister was quite right in that, in that there was a lot more space around it, wider boulevards, trees and all that sort of thing, because we had ownership of that. Now, I was not in favour of doing development as a Government, as a Parliament, I do not think we should be doing that. But, one of the benefits was - and if you walk down there today you will see the actual evidence of that - wide boulevards, trees, the old sea wall restored and you would not have got that, I accept that, from a private developer. You would not have got the same specification of office space, which Senator Ozouf has consistently told us, from a private developer, because we had some influence and control over that as a Government. So it is okay there, but it is not okay here? If I take another example: Plémont. I was not in favour of purchasing Plémont. Two-thirds of land would have been handed back to the public free of charge instead for £8 million. As a Town Deputy - I was not at the time but I am now - I could not possibly have supported that, but we did in this Assembly: protecting green space where there was loads of it already. That was the view that was taken by St. Helier Deputies at that time. I do not think that view would change today, if it was before us again now. What was particularly poignant to me - and quite emotional - I was at the Liberation Day breakfast at the Town Hall on 9th May and a gentleman came up to me. He looked like a taxi driver for a moment, so I was a bit concerned, but he was not, he was a pensioner, a retiree, lived very close to the development that we are talking about and he looked a bit angry. I thought: "What is coming here?" But, no, he was very eloquent and very polite but very, very vitriolic about his thoughts about Green Street.

[16.00]

He said: "I have lived in this area for many, many years and I come out of my house, which is on the opposite side of the road and I hear the birds in the morning, I see a green space, I can see the end of the street where the sea is and I like it that way." That is a fair comment. He lives right on the doorstep there. It did not take 2 minutes to tell me this. Believe me, I stood there for 20 minutes listening to him and he was a lovely, senior gentleman from your district, Deputy Labey. But it was quite emotional as well. He was really quite upset about this. Other Members of the Assembly that that is their district would encounter many more people like that during this debate that we have been having for some time. Yes, I am a St. Helier Deputy, but it is not my district. We are not going to go there just now, but I am still interested because St. Helier does not have enough green open space. That is going to get worse. For all the right reasons, for all the right planning reasons, because absolutely more development should, as it occurs in Jersey, occur in the urban areas. But, there is a balance to be struck and one of those balances is maintaining green space. Now, I happen to like the designs that are on the wall over there, I really do. I think Andium have done a great job, but we are the shareholders of that company, so why should we not have some degree of influence. It is all very well saying: "Well, they need commercial independence." Yes, they do, but with that comes a responsibility as well, because you are owned by the government in the same way J.D.C. (Jersey Development Company) is. They had a responsibility to take a bit more flak from the public over their development and they took it. They took it on the chin and they dealt with it and they have come up with a scheme that not everybody is satisfied with, but it is a result. This development is needed, as Senator Ozouf has very well-articulated just a moment ago. But do we have 100 units there, or 150, 160, how important is that? Andium Homes has a bond of £250 million to spend. We have numerous sites across the Island, which they have earmarked for development. They should still be able to produce housing at relative speed, not as quick as some of us would like, but I do not believe this particular development, the loss of possibly a few units, maybe more than a few units, to maintain the integrity of that street in terms of its green and pleasant zone cannot be achieved. I do not believe that Andium could not come back ... as annoying as it might be if you are a commercial developer you would fight this tooth and nail, but they are not a commercial developer. They are operating on

commercial arrangements, yes and we see many benefits from that. The quality of their build, the quality of their operation is superb. Members have said that. But they still are owned by the public of Jersey and there is a public outcry here about the retention of some green open space. So, they have the opportunity to come back to planning, as was mentioned by another Member earlier, my good neighbour here behind, Deputy Wickenden. They have the opportunity, he sits on Planning, he sees this all the time. Come back with a proposal; yes, there will loss of units, but it should not slow the development down. We will end up with a better development. Yes, there will be a delay ... Senator Maclean is shaking his head. He is quite right, there will be some delay, because you have to revise your plans and, yes, that could cost you many tens of thousands of pounds. Yes, it will. But what price do you place on green open space that is visible to the public, possibly more useable to the public than it is even today? Once that green space has gone in Green Street, it is gone for ever. But I like the plans, they are great. But listen to your public that live in the area. Listen to your Deputies that assist these constituents in all sorts of manners of ways. Deputy Labey has brought forward a position, it has succeeded in this Assembly and I know how gutted he is that that has not had more resonance in this decision-making process. Why that was not taken into more account by the Planning Department and by the inspector. The planning process, I am not arguing with that. That was done good and properly, but there is another opportunity here for us, as major shareholders in that company, to do something else and you can still develop other sites. You can still do the refurbishments, you still have the money to continue providing social housing units, but you can redesign this site. Yes, it is going to cost several thousand pounds more, probably a few hundred thousand pounds more, but that was okay at Plémont - millions of pounds - but it is not okay here. I am not wishing this Assembly to interfere with the planning process; we should not do that. We are not, but we are having an influence over an arm's length entity that we have a specific interest in and we demanded things of arm's length entities in past, like we did with Jersey Development Company in having fantastic public realm around those buildings and we can do the same thing here with Andium Homes. So, I am supporting the Constable on this. I am sorry, Minister for Treasury and Resources, I realise there is an economic impact on that particular company, in this instance, but that is one of the prices sometimes you have to pay to have satisfactory urban development that meets all the requirements, not just the requirements of one very well-run, organised company that does produce quality builds, does produce social housing. In this instance, I think they need to rethink their project, because it is a great site ... we could have sold it and built commercial property there that was worth a fortune. It had lovely sea views, but we did not do that, did we, because it is a valuable site, it is a wonderful place for people to live in social housing, so let us do it, let us do it well, satisfy as many requirements as we can, including the nearby residents, the existing residents and the residents of the future. I think you can build something that will cost you more, because the value of the land will not be fully maximised, but it is not a commercial company, it does not have to run on pure commercial grounds, otherwise we would just contract this all out to a commercial contractor. We are not, are we? So this is our opportunity to request the Minister for Treasury and Resources that he reconsiders this approach, because that is why we hold this company. We have not privatised our housing stock, we have not done that. So, there is an opportunity to have an influence over the outcomes here and this is the way to do it on this occasion. We are not interfering with the planning process; that still stands. Thank you.

5.1.12 Senator S.C. Ferguson:

I have not heard much from the opponents of this proposition about listening to the public. You know, why the public are being ignored. There are occasions where we should listen to people and take their wishes into account: the people who live there, the people who over the years have contributed to the Island, have paid their taxes to the Island and then we just sort of say: "Oh well, they are getting to be a problem, they are old." No, sorry, this does not work. As Deputy Brée has

said, this is a debate to remind the Minister that the States have made a decision. Now, under ministerial government there have been a number of occasions where the States, themselves, have had to remind Ministers of instructions made in this Assembly. One of the bones of contention, which, probably, will continue to be a bone of contention, is the valuation of States properties to be transferred to S.o.J.D.C. But, that is a story for another day. But, basically, the Ministers seem to forget this is a major matter of public interest and I think it coincides with the accountability, mentioned by the Deputy of St. John earlier today, where she raised the question of the original Articles when Andium was formed. I am sorry, I think all these arguments are quite specious. This is a major matter of public interest and the Minister, as shareholder representative, representative of the public, representative of us, should go to Andium and explain to them that; and if they do not like it, they know what to do.

5.1.13 Deputy A.E. Pryke of Trinity:

I shall make no apologies for bringing this debate back to the need for affordable homes. I hope all Members support the redevelopment of La Collette Low Rise flats and do want to see modern, high quality homes built on that site. I hope that is what we all agree on. I did visit those flats myself, last year, and was appalled by the conditions people were living in. Disrepair, dampness, lack of modern facilities and this Assembly should be ashamed that people were living in such conditions. I heard of the antisocial behaviour on the estates, the difficulty elderly residents and young mothers have getting up several flights of stairs with shopping, pushchairs to get into their homes. Thankfully, Andium, quite rightly, promised every resident that wanted to - well, will do - moved out to alternative homes and will not be spending another winter in those flats. Residents did support the scheme. Deputy Labey said that they had been stuck in there for years. Quite rightly, they should not have been stuck in there for years. This site should have been done a long time ago. How we, as an Assembly, can let people live in those conditions, as I said, I was ashamed. I am so pleased that they will not be spending another winter there. Residents did have some input into the scheme. As it said, planning permission has been granted; the site is ready to be developed into 147 one, 2 and 3 bedroomed modern good quality homes. Hopefully, with a good wind - it all depends which way the wind is going - the first residents will be moving into their new homes in 2019. To take up the point that the Constable made, if residents, who have been there, want to come back, they have the offer. But, saying that, on other refurbished sites, sometimes they have re-made a new community and they do not do it, but the offer is always there. I have just said 2019, but this will not happen if this Assembly approves this proposition today. Be in no mind: it will not be achieved. Up to date Andium has spent well over £600,000 to get this far, this is already spent on design process. If the scheme does need to go back through Planning, the scheme becomes unviable. We reduce the number of homes on the site and we will miss our targets of 1,000 affordable homes by 2020. Design is important. How it is designed can make the community work, can make the homes fit in. Indeed, the new Andium have a lot of evidence to show that the new furb and the new build really has reduced the antisocial behaviour, the vandalism, significantly in the estates. But, we would also be letting down the waiting list of 850 households who, today, are waiting on the Housing Gateway. Let us just think of them. The low income families, the elderly, people with serious medical conditions, disabilities, perhaps living on a first floor, or second floor, flat with stairs, wanting to stay in their own homes, but cannot get up to them. If we do not build here, they will have to wait even longer. Well, they will have to wait even longer. We have to ... these are in band 1, the most urgent conditions, that should be housed more, or less, immediately. The Housing Gateway all told has 850 people waiting. These people on low income, elderly, just want to live in good quality homes, with long-term security. But also, just to remind you, the Gateway is very narrow. If you are single you have to be over 50 to be on it, or have met severe medical conditions.

[16:15]

I would like to widen that, but the chances of that are very slim, because we just do not have the housing supply. My position as Minister for Housing is strong and clear on this issue. We need to get on and deliver these new homes at La Collette for those I have just mentioned: the elderly, some families, people with serious medical conditions. Andium's research suggested that this scheme would not be viable if we reduced the number of units on this site. So, they will have to go back to the drawing board - it might never be viable - but meanwhile this site will be empty, cannot do anything ... or very limited use on what it can do, because nobody is going to go back into those homes. It will be left empty. If this proposition is approved and they have to go right back to the planning process to start again it will take much, much longer. Not to put aside the cost. People might say: "Well, we can build higher", but we know that they cannot build higher, they had third party appeals against that. So, that will be open, again, for everybody to appeal and quite rightly, because it is a new application. The proposition is seeking to retain the open space along Green Street as part of the scheme to redevelop La Collette Low Rise flats, but the scheme has already been subject to a robust planning process, in accordance with the policies and procedures approved ... oh, who has it been approved by? This Assembly. Members will see in the Council of Ministers' comments a timeline of the planning process that this application has been through. Planning officer approval, approved by the Planning Applications Committee, whereas Deputy Wickenden says that is the place that open space policy ... that is the place where these decisions should be made, where they know the open space policy and make decisions on the open space policy. The Planning Applications Committee make those decisions. **[Interruption]** No, not me. The Planning Committee that makes those decision, appointed by this Assembly. An appeal against this scheme has been rejected by the Minister for the Environment, following review by the independent planning inspector. Each stage of the scheme to develop La Collette flats has been supported. So, if this proposition is adopted, this Assembly will be saying it does not have confidence, perhaps, in the planning process to follow the proper process and make decisions that are in the public interest. I do not believe that is correct but we, as an Assembly, have established policies and procedures to ensure that all planning applications are assessed, all applications are assessed in a fair and transparent manner, in accordance with policies set out in this Island Plan, which this Assembly approved. Members will appreciate that any planning application is complex and must balance all material needs. The open space between La Collette Low Rise flats and Green Street was considered as part of the planning process, but it was determined by the committee, as I said, and the inspector and the Minister for the Environment. But, this space was outweighed by the many other benefits it will deliver for Islanders; new affordable homes, the more efficient use of land - and that is important - a community centre for residents and a more usable open space for residents and the community. Really, much has been said about usable space for the community, but do not forget that residents, who have been living there, have very, very little open space. We have been talking about the residents - not the future residents - but the residents of Green Street and around, but we also need to think of the residents that will be moving into a nice, refurbished, La Collette. It is important to make it clear that the proposed development will retain a very good amount of green space along its frontage in Green Street and existing trees will be retained in the proposed landscaping. The Constable asked us to look, walk up Green Street with him. Well, I would like to do the same. I would like to ask Members to look at the comments on page ... let us start on page 6. For everyone to get their bearings, the sea is on my left, the left of the page. If we walk up Green Street we will see now, proposed, that there is more space. The pavement is wider, trees will be planted. There is a green area there, benches, as well as refurbishing the bus shelter that is already there. Just move up a bit. There is still some open space. Some of the existing trees, the main existing trees - the most important existing trees - will be retained, will not be lost, will be retained. The houses there, the flats there, will be set back. Then you get to the high rise. So, if we go back to the sea going towards Mount Bingham, as you all know there, it is a poor open space, not fit for anything. There will be a community centre on the edge of Block A overlooking

the sea - quite nice, that - a huge open space, but if you look slightly north of that, I know the writing is small, but it has got a nice *pétanque* pitch, it has got a seated area. If you want to look on the main plans, the plans below, you will see what is going to be envisaged on the landscape proposals for that public open space; not space just for the residents, it is space for the public, for all the community down at Havre des Pas to use. The residents will have their own space further in, usable for them. So, this is green area all the way up, the trees are there as well as the tiered seating and whatever, so the scheme will deliver an increase in overall amenity and space, but, more importantly, this open space will be usable. It will be usable for children, parents, even the elderly, to come and sit in that area, because, at the moment, I think, we need to be fairly fit to get up the bank and down the bank. Overall, the amenity space is being increased by over 700 square metres, so Andium Homes will lead to an enhancement of the area and more functional open space. As I have said, the existing high-quality trees, the ash, the London plane and the oak will be retained. It is critical that we do our bit for Islanders, who want homes and give them an opportunity to live in modern, secure and well-designed homes. Ministers know Andium, they have seen Andium, what they can now do and they are, as the Constable did say, producing some really high-quality developments and we should congratulate them on that, but we want that to continue.

The Greffier of the States (in the Chair):

Sorry to interrupt, Deputy, but we appear to have become inquorate again. I wonder if Members outside the Chamber could come back in. Deputy?

The Deputy of Trinity:

As I was saying, we have seen what Andium can produce, but we have also heard from the tenants, when they go into their new homes, what a difference it makes to them, to their physical health, their mental health, when they are in flats, or homes, that are modern and fit for purpose. I make no apologies for saying that these homes are needed for all those on Gateway, especially those who are on band 1, the highest, highest need in our Island, to form a good community down at Havre des Pas. So, I urge Members to reject this proposition and let Andium Homes get on with developing La Collette for Islanders, but also for the wider community. Not only have we got to think of those residents, but think of the wider community, the modern flats that it will bring to that area, the start of refurbishing that area, regenerating that area. I would like to quote finally from the inspector. He says: “It will not have an unreasonable impact on neighbours” and he also goes on to say: “It has considerable potential to successfully regenerate this important site and make a positive contribution to the character and appearance and general vibrancy of this area.”

Deputy S.M. Wickenden:

Could I just quickly raise a point of order? I did not want to stop in the middle of that Emmy Award-winning speech there, but I think the Deputy inadvertently misled the House, saying that if this proposition was to be passed, Andium would have to go back to the drawing board, which is not the case, because they have an open planning application that cannot be taken away from them.

The Greffier of the States (in the Chair):

Well, that is really not a point of order, that is a continuation of debate, so if we can move on to the Connétable of St. Martin.

5.1.14 Connétable M.P.S. Le Troquer of St. Martin:

I was not going to speak in the debate, but it has been an interesting debate so far. I congratulate, admire ... I have got sympathy for the Constable of St. Helier, whose heart is in it; a true representative for his Parish. I think there was a slight tone in his voice, I think nearly an acceptance - not that his heart was not in it - but nearly resigned to the fact that this may happen,

but which Constable would not do the same for his Parish if he, or she, was in the same situation as we see today? There has been praise for Andium right the way through. I do not think that has been the problem, I do not think that is the issue in ... well, it is not the issue in question today. There is talk about the social housing problem that we are experiencing on the Island. I have known it since I was a young child, probably, reading the newspaper and I do not think it has changed and it just carries on. I think it has been discussed and debated in this Assembly so many times. I think what the problem was is the big change, 59 to 147 is something ... nearly 3 times the amount of homes. That is a big change. The Constable of St. Helier was not arguing to leave the site as it was, with the same number of homes, but he did speak about the 100 homes, a reduction from that figure. The Minister for Planning and Environment has explained - and we know these things this afternoon - and was quite clear, nobody has done anything wrong in the applications right the way through. We all know what this House decided, that there would be a Planning Committee and the Planning Committee have been involved. We know that the independent inspector came as well. As I say, I was not going to speak in the debate, so I have only made notes as the debate has been going on.

[16:30]

The process has been correct, the decisions were all correct, the policies have not been breached. The Constable accepts all these issues, the Constable of St. Helier. So, what was the argument? So, can we overturn and support the Constable, build less, keep more open space? It is one of these things that works 2 ways as well. I think there is our hearts in this matter. My heart is with the Constable of St. Helier, his heart is with the residents of his Parish, so an easy decision, but it is a difficult decision as well, because of the housing problems we face and the Minister for Housing has just explained that. But, do we just build as many as we can in a small area, just to house people? Are we just housing people by trebling the size of this estate? In effect, it is an estate. It is funny how decisions - not funny ha-ha - in this Assembly are made at some stage and then come back to haunt us later on, the Medium Term Financial Plan and all the funding and then suddenly: "Oh, well, we might have to stop nursery funding for certain bits and we might have to reduce on school cleaning." Education is an example, but right the way through, and budget debates: "We need to save this money, so we have to do it." I suppose, where I am going to with this is the Strategic Plan, and St. Helier was number 4 in that plan and we all passed it. The other 3 might be important, but so is St. Helier. I lived in St. Helier until I got married, so I was a St. Helier resident, I am not St. Martin born and brought up. The residents are not trying to stop this development, they are just trying to have lesser homes. I think this is probably the Constable's last stand on it. I do not think he can come back again. I think the point made by Deputy Wickenden was very important, we, being the owners of the land. I think it was referred to later on - and I will come to that in a moment - from the Deputy of St. John. Should P.78/2015 have been stopped during that debate? No, it was not, and we debated it. I was opposed to it, I voted against it and we lost. Deputy Labey, Russell Labey, his proposition was approved and that was to go back. That was the important thing in my mind: we lost it. That is why I have changed my mind today, because it has come to a debate and that debate was won. I voted against it, but it was won by the Deputy and that was to ask the Minister to go back. The Deputy of St. John has mentioned it, the question to the Minister for Treasury and Resources, did he go back and did he speak to Andium to reduce the number of homes? I think that is very important today. The only thing else I was going to say, I wonder how much - and I do not know if the Minister is able to tell us when he speaks - it has cost from that decision in 2015 to the present time, this 2 years of extra costs that may have been added to this development and the processes that have gone with it. I am inclined to support the Constable of St. Helier. I am not one for just cramming in the houses just to try to solve the housing problem on the Island, sadly.

5.1.15 Deputy K.L. Moore of St. Peter:

I shall be brief, after the excellent speeches we have had recently, but I did feel compelled to share my thoughts with Members, because I am starting to have a slight feeling of *déjà vu*, because we can be very good, can we not, at extending debates and delaying action and activity, but we have to really think about not just the voices of who speaks for us against certain ideas and proposals, but the people we are here to represent, which is every single member of our community and particularly those who are in need. The Deputy of Trinity reminded Members of our commitment to build an additional 1,000 homes in the Island and we need to build those homes, because there is a need. Just go to St. Peter and come and see how many people turn up to a Parish Assembly nowadays. That is a real sight to behold and the reason for that is because there are members of our Parish who have a need for homes and they are delighted to see the great effort that the Constable is making to take an application to build another 65 first-time buyer homes on a field in the centre of the Parish. It is a wonderful thing and that site, the people who have signed up to it, twice as many people signed up as there are homes can be built. So that just shows in a small part of the Island the desperate need there is. This is, really, just an equation in time and provision of housing. I remind Members who say: “We can just go and find fewer units to put on this site. It will only take a little bit more time”, people go home every single day to inadequate housing standards. That is why they are on the waiting list and they have a known and identified need for housing, which is why we need to fulfil the homes and we need to do that quickly. The *déjà vu* I was sensing was the argument about the police station. Funnily enough, it is in the same geographical area of town and I understand the arguments about the density, but also we saw a great delay to the building of the police station on that site. The people who really lost out, because of that delay, were the people who will eventually live at the Summerland site in Rouge Bouillon, when the houses are eventually built. I am sorry, but that was the only consequence of the delay in the building of the police station. It is a very sad fact that there are 85 homes, due to be built on that site and people could be living in them now. I do not know where those people are living currently and I do not know what conditions they live in on a day-to-day basis, but I am sure that those new homes, that will be provided, are not as good or as adequate as the new homes that will be there waiting for them eventually. People who say that we could wait a little longer, in order to come up with a better plan, think of those people, please, when you press the button.

5.1.16 Deputy J.A.N. Le Fondré:

My view at the moment, I think almost all of the Ministers that have spoken have missed the point of the debate and that is why I am feeling ... I have heard *déjà vu*. I just keep hearing the same speech again and again and again. Basically, it is descending into planning application policy and housing strategy policy, lots of focus on the cost to Andium and missing targets and all that type of thing. As far as I can see, no one is disputing some of the points that the Minister for Housing made about the need for housing. The Connétable of St. Helier is not saying: “Do not build on there.” That is not the issue. As far as I can see, the whole point of this is that we made a decision as the Parliament of this Island back in 2015 that Andium should not build on a particular piece of green space. Now, I will come back to that, but a lot of the comments that have been going on in this debate today have, bluntly, been irrelevant. For example, the Council of Ministers says that it: “believes that the benefits arising from the proposed La Collette scheme significantly outweigh the case for retaining the current open space.” It does not matter. “The issue of a direction must be a matter of material public interest.” So what that is saying is a decision that we made as a Parliament is not a matter of public interest. I do not care whether it is to say: “You have got to paint your houses blue, rather than pink.” If we are the shareholders of a company and we have given a direction to that company, surely that becomes a matter ... well, it has been sufficiently important for this Assembly to vote on it and approve it. So, on that basis, I would have thought that would be a matter of public interest. So how dare someone say that it is not a matter of public interest? I am sorry, that is kind of the view I took at the very beginning, when, I think, Deputy

Labey brought it back in 2015. It is not about changing policy, it is about enforcing the policy that we originally put in place. The policy that we originally put in place was in the Island Plan and it said that particular part of space in town was green space, was a protected area - I cannot remember - but the point was, it was not meant to be built on. Then, under Deputy Labey's amendment, we gave a direction to Andium, as the company that we own, to say: "Do not build on it." It is the Council of Ministers and/or Andium who have caused this situation by not acting in the last 18 months, or however long it has been and getting us into this situation. If someone dares to say: "This demonstrates a lack of support for social housing", to me, bearing in mind what I do, when I am not in this job, or one of the things I do, I am one of 7 trustees who is building social housing. I support social housing, but this is about the role of this Assembly and it is about ... reference has been made to the democratic process. The democratic process, surely, includes this Assembly, so we approve the Island Plan, which clearly states what the land should be, we gave a direction to the company and that has not been followed up. Surely - I repeat again - it is a case of: we have gone to the company, we have said to them: "We want you to do something with what is, effectively, our land, over which we have already set a policy, which you are not adhering to", so we have gone back to them and reinforced the policy that we have put in place, ultimately, on our land, or on the land that we hold on behalf of the public and we have said: "As your shareholders, we have decided this. Bluntly, I do not care if you disagree with it, or not. That is the direction we have given you." Funnily enough, we are back here again, and funnily enough, guess what, I am going to be supporting the Constable of St. Helier and the other town Deputies and things, because that has got to be the basic principle we are dealing with. I do not want to hear about: "It has gone through the planning process". Excellent. This is about us, as the shareholder and the landowner, it is not about a planning process and that is where, I think, the thrust of this argument coming from the Council of Ministers has completely lost the point. This Assembly made a decision. It was a democratic decision on the basis that this Assembly took it and it was a majority decision. It was 18 months ago. Therefore, the Council of Ministers should have been very clear, under the memorandum of understanding: that is what was required from this Assembly. On that basis I support the proposition.

5.1.17 Deputy R.G. Bryans of St. Helier:

I do like these debates. Rather like the Constable of St. Martin, I was not going to speak in this debate, but I was prompted to by listening to all the different perspectives from every individual and I love the way those different perspectives build up a story of great caring on everybody's part. I have got a great deal of respect for the Constable of my Parish who, on Monday, we met to talk to some Springfield residents. I was there with Deputy Southern and Constable Pallett. They were concerned, because of social disturbance and they were concerned because the caretaking of Springfield, in this particular case, they felt was not up to scratch and there was all kinds of problems with it. In that very small and intimate meeting, a lot of care and consideration was given by every party and some substance was given to those ideas and, eventually, working with the residents, it looks like we have come up with some solutions. In particular, a caretaker is being sought for Springfield. So, I understand the situation: that we need to protect our green spaces and our public realm. The other thing is I am a town Deputy that lives in the town. I live in Stopford Road and I am conscious of decisions the planning inspectors made in this room, because there is a consideration, or there was a consideration, for Planning to build on what used to be the Play.com site behind the Co-op. The Planning Committee, in their wisdom, back a year or so ago, decided that this development was not fit for purpose, but the planning inspector sitting in this very room took consideration and overturned that and said that that should be done, so I am now having to live with that decision. I accept the decision, rather like has been said in this Assembly, that sometimes you have to accept very difficult decisions that affect me intimately and affect the residents of Stopford Road. So, there are times when we find ourselves in some really peculiar positions as

Deputies and as representatives of this Government. The next thing to say is that, having been on the Planning Committee, I think they do an awful lot of great work. I witnessed several decisions that were so difficult for them to make and they went through it with a great amount of thoroughness and I think they have played some part in getting to where we are today. But the last thing that links me to this situation - that made me rise to my feet - was that many years ago I had a small young family and we were living in private rental accommodation that was quite dreadful. I am eternally grateful to the States to lift me out of that situation and to put me in States property and I know there are other people within this Assembly who live in States property. But that lifting out of that situation and giving me the opportunity to see a different sort of a future ... they placed me in the Cedars in Green Street and I lived in those flats for some years. After my first-born we were in private accommodation, and then my second-born duly arrived when we were living in the Cedars. So, I know the place intimately. I used to walk up and down those roads looking for those green spaces, looking for those places to play with my children. It was quite obvious that if you just walked down the road, there is the beach, there is Havre des Pas.

[16:45]

Not the best of beaches, but it is a beach, nonetheless. Then, if you turn up to the right, there is La Collette Gardens, beautifully manicured, beautifully looked after by the representatives of St. Helier Parish. That is where my children grew up and that is where my children play, but it is that initial lift from a position of what felt quite dreadful at the time, to a point where people look after the estate. As an Assembly, we are so good and so caring in the way that we look after people and I think what Andium Homes is contemplating and what they are doing, is giving that opportunity to a few more people. I have looked at the designs and there they are over in the corner. I saw them for the first time today and I thought: "This is the first time I have seen the bottom of Green Street, around Collette, making sense and giving it ... creating a better public realm." So my position is not as a Minister ... **[Approbation]** thank you. My position is not a reflection of a Minister, it is a reflection of a town Deputy, who cares about public realm, cares about the open spaces. Like the Deputies around me, I fight for everything that I can to make sure that everybody gets a decent life, but it is from the perspective where I have been given the opportunity, as somebody out there, as anybody else in this Island, to step away from it and to have a new future. I think that is what we are doing in making that decision and I think we are creating, through that design, a much better offering, so I will not be supporting this particular proposition.

5.1.18 Deputy M.J. Norton:

I have great sympathy with the cause being fought by the Constable of St. Helier. He has parishioners at heart and it is fairly obvious that he wants the best it can be. I also - and this may not go down so well - have sympathy with the highlighting of the choices that Senator Ozouf put before us. It is a dilemma, between the exchange of green space, although I accept there is plenty of green space being supplied under the new development, that precious bit of land right at the front, that bank, and the financial implications of moving this down the road slightly, metaphorically speaking. I was very interested to hear the Connétable of St. Martin, because I, like him, did vote against Deputy Labey's original, victorious, proposition. I do find myself on the horns of a dilemma, like I am sure many people do. I lived in St. Helier for, probably, half the time that I have been in Jersey, which is quite a considerable amount of time and I know the area fairly well and I know those flats fairly well and I know the poor state that they are in. I have been in them on several occasions. So, green space is important and taking away green space is something we should never do lightly. I am sure the suggestion that we are doing so is not. Deputy Wickenden spoke of the Senators of St. Ouen and other, outlying, westerly areas and all of the space that they have. Yet, ironically, as the Constable of St. Martin said, is it not funny how different propositions come back to haunt you at another time, when you have a St. Helier Deputy,

that voted against more representation for St. Helier Deputies in an earlier vote today, which seemed astonishing to me. If you are a St. Helier Deputy, you could have seized the opportunity to have had more representation for St. Helier, where the density in the population is, and you turned it down. Astonishing.

The Greffier of the States (in the Chair):

Through the Chair, Deputy, and not back to that debate.

Deputy M.J. Norton:

I am just relating to density and population, Sir.

The Greffier of the States (in the Chair):

Through the Chair.

Deputy M.J. Norton:

So, I find myself in a difficult decision, because I sympathise with both sides here. However, I want that area down there and I want that housing to be the best it can possibly be, the best. Now, the best involves space, the best involves an environment where we do not pack them in like sardines, the best is the best for the people that will be moving in there and the best for the people that will be around that area, because they will be impacted by this, not just the people that go in there. At the moment, like the Connétable of St. Martin, I am tending to think that, given that we passed something in this Assembly that, perhaps, we should stick to that and, perhaps, we should ask Andium to look at this again and to come back and to bring us a more spacious, more compromising, area for the people to live in and for the people around to appreciate as well. I have been moving between the various speeches, because people have been very passionate about this and I have been very engaged by what they have been saying. For that, I surprise myself when I say that I am as likely to support the Connétable as I have ever been.

The Deputy of St. John:

Before the Minister, I would just like to correct something, because I think I have misled the House in my speech, because I think I got the proposition from Deputy Labey mixed up in terms of the P.78 and P.139. So, I apologise to the Minister for Treasury and Resources for asking him to answer something that he cannot really answer for.

5.1.19 Senator A.J.H. Maclean:

I would like to thank the Deputy of St. John. I was just going to deal with that. **[Laughter]** She was not alone in her assertion and I am pleased, also, that Deputy Le Fondré has returned at an opportune moment, because I would like to help him out as well, and one or 2 other Members, by drawing attention to the proposition that was approved by this Assembly - which was brought by Deputy Labey - which was, in fact, not to direct, or request, the Minister for Treasury and Resources, but it was to request the Minister for Planning and Environment to ensure that any redevelopment of the La Collette Low Rise upholds and maintains the protected open space status of the existing green space. I will not quote on the rest of it. What I will say to Members, of course, is that there then followed, quite naturally, the planning process. I am not going to go into details, I know that is not the purpose of this particular proposition, but there was a planning process, there was an inspector, there was a third-party appeal. The other point, of course, that has been mentioned by one, or 2 Members is in relation to the Island Plan, suggestions that the Island Plan has not been followed. That is not the case at all. The Island Plan has been followed and, in fact, the inspector, carrying out his role, would have been mindful of the Island Plan and what it stipulates. So, therefore, I am absolutely satisfied in terms of the planning consent that was approved. I am sure the Minister for Planning and Environment is also, because this is his role,

thoroughly satisfied that what has been approved is absolutely correct. But, please, if I could just make it clear to Members that the Island Plan has been followed in this case. This is, clearly, an emotive subject. I understand the difficulties that some Members have with it and, particularly when it gets into the area of directions, or requests, to Ministers, to ensure that bodies that we have either incorporated, or are guarantors for, or have responsibility for, undertake the wishes of the Assembly. I would like to remind Members that one of the key factors this Assembly has at the heart of its policy, is to ensure we have suitable housing, we have affordable housing. That is the remit that Andium has been tasked with dealing with. Now, as Deputy Brée has rightly pointed out, Andium Homes is owned by the people of Jersey and I, as Minister for Treasury and Resources, have responsibility as the shareholder representative. It is a difficult job, because I have to balance the needs and requirements of the whole Island when considering and undertaking that duty. In fact, I can tell you and Members that I took a call, only the other day, from a resident in the area expressing their point of view and I fully sympathised with what they were saying. They were not terribly keen on the development being undertaken: it was going to impact, potentially, on their own property and I understand that. We all would feel the same with any development in an area that impacts on us, but I have to consider, as the shareholder representative, the interests of the whole Island. I have to consider the fact that Andium Homes was given a specific remit to improve the quality of housing in the Island, social housing, to increase the housing supply and approve the fact that we need more affordable housing. That is an issue for the entire Island and the question that I would really raise to those that have suggested that we are ignoring the interests of Islanders, is that we are not. We have listened, but we have to take into consideration that in this particular area ... I believe that the residents group that has been working so hard, the Havre des Pas Improvement Group, they represent residents in the particular area and I think there was a meeting only last week. I hope that the Constable of St. Helier will be able to tell Members how many people attended that meeting. I believe it was something in the region of about 20, or 25, people. I also understand that there was a vote at that meeting. I do not know what the vote was, but I am led to believe that it certainly was not unanimous. These are important points, because, of course, there are a lot of people in the rest of St. Helier, there are a lot of people in the rest of the Island. This is one small area. It is important, of course, and I have sympathy for the immediate residents, but we have to look at the bigger picture and, certainly as the shareholder representative - and indeed the company itself - we have to consider the broader picture. It was the Deputy of St. Mary who raised what, I thought, was a particularly relevant and important point. He talked about the M.O.U. and the importance of environmental impact and ensuring that, in developments, the environment is taken into consideration. In a sense, he is absolutely right, because that is part of what this debate is all about: trying to maintain open space within St. Helier, which is important. But I would suggest that it is too late, in this instance, to be considering changes to an M.O.U. if that is what Members wish the shareholder to consider. I am very happy to consider that, but we do have to bear in mind such changes would have a significant impact on developments that are delivered. We have to get that balance right. That is a reasonable matter to consider, but we do have to get the balance right to ensure we get the right open spaces. The other important point, in my view, of this particular issue, this particular debate, is the amount of space and number of units. Of course, we are increasing, or Andium are proposing increasing the number to 147 - if I have got that right - which is an increase of 88 units. That is a lot more units, but it is providing much-needed housing; but the important point for me among all of that is the fact that this development delivers 817 square metres of additional amenity space for the residents of La Collette and Havre des Pas. That is an important point to be considering and a lot more units of much-needed accommodation at the same time. Now, this proposition, of course, focuses on asking the Minister for Treasury and Resources to direct Andium to ensure that the open space is maintained and by doing that, of course the scheme would need to be a lot smaller. We would not be able to produce the extra 88 units. That would shrink down quite considerably. But more importantly, already there has been around

about £750,000 invested by Andium, on behalf of the people of the Island, under our direction, to provide more and better housing. That is a lot of money to be invested and a lot of time has been expended in terms of getting to that particular point. If we go back to Andium and direct them to go back to the drawing board, not only is that more additional cost for all Islanders, because it is the whole Island that is funding Andium, it is the whole Island that one has to consider when making requests of this nature. But where does it end? They go away and they come up with a new scheme and somebody else says they do not like it, it comes back into this Assembly and we have another debate and another direction comes along to the Minister for Treasury and Resources to say: "Go back. Tell them to do it again. We do not like it." Who makes the decision? That is at the very heart of why it is so difficult for 49 - however well-meaning individuals - and those that are representing their constituents. I have absolute respect for that, that is the right thing to do, to represent the interests of your constituents, but equally, in this Assembly, we have to consider the interests of the entire Island.

[17:00]

That is the difficult balance, as shareholder representative, that I have. I do not believe that supporting this well-meaning proposition from the Constable of St. Helier is in the interests of the whole Island at all. Ultimately, the other point to remember, which I find particularly relevant, is that more than 50 per cent of the residents at La Collette - the people who are living there, the people that will ultimately benefit from the improvements that will be delivered by the redevelopment - more than 50 per cent of those people want this development to go ahead as it is proposed. I think that is a fairly compelling point. I would ask Members to think very carefully. I have just one further point I think I would like to make. In fact, it is more of an observation, and that is the proposition itself. I see this frequently and, as the Minister for Treasury and Resources, I find this particularly frustrating. It says: "Financial and manpower implications." There are none, apparently. Well, for the States, quite right, but who owns Andium? The people of Jersey. Who has the responsibility? We do. I mean, it is a circular argument in a sense. There is a cost somewhere along the line that ultimately will have to be picked up, so I would just remind Members that, all in all, I think that we need to be very careful when considering supporting this proposition and I do not believe it is in the interests of the Island, or indeed that it is following the remit that we have set for the company, that has gone through an appropriate process to arrive at a scheme in a development, which I see ... and I hope Members have had a chance to look at the plans behind, very difficult obviously from sitting around the Assembly, but those plans, I believe, are good plans, they are well-balanced plans, they are providing more housing. There is a lot of open space still there and, quite frankly, there is a lot more amenity space than there was before. I would like to focus on delivering more open space in St. Helier. I think it is important. We have got areas like the Town Park, as the Constable knows. He is very keen to see that park expand. That is a good idea, it is a nice area. **[Approbation]** It is a good idea. It has got to be funded, but if we are wasting money, fruitlessly, on developments that are not being delivered and wasting time - we do not have money growing on trees - we cannot deliver good things that one might like to deliver in another part of town. We have to get our balance right. By the way, that development surrounding the Town Park and an expanded Town Park delivers more housing, as well, potentially, if it can be funded, but we have to get our priorities right. But we are here today on another matter and I think it is important we focus. I would ask Members, please, to reject the well-meaning proposition of the Constable of St. Helier on the grounds that I have laid out. I think it is wrong to do anything otherwise.

5.1.20 Deputy G.P. Southern:

Let us start - and it probably saves some time in a minute - with the proposition. What does the proposition say? The proposition says: "To request the Minister for Treasury and Resources to

direct Andium Homes to redesign their development proposals, in order to maintain the existing amenity space and trees on the site between the La Collette low-rise and its border with Green Street, an area designated as protected open space in the Island Plan.” As some have said, that is very clear. That is not about the planning process, that is about using the directions we can give over operational matters by the Minister for Treasury and Resources to Andium Homes to tell it to do something; absolutely crystal clear. I remind Members, and especially Ministers, that what they have promised to do is to regenerate St. Helier, not to concrete it over, not to overdevelop it, not to cram it, but to regenerate St. Helier, so this space is part of that regeneration. It was somewhat of a shock to me to hear the agonising of Senator Ozouf earlier, when he appeared to have discovered, for the first time, that there are people out there, who do not have adequate housing. I have got news for him: I meet them week in and week out. We have a housing crisis, Minister, and it is a housing crisis over which you have been involved, because you are a Minister and have been for the last approximately 16 years. So this shock that comes to you when you discover what is happening, comes as no surprise to the rest of us. We have also heard a very emotive series of speeches around the housing crisis, again, which have come to us from, for example, the Deputy of Trinity, who has been in place for 2½, 3 years, going on 3 years. I do not think we heard today, but Deputy Green, also in the House, has been a Minister for Housing in the past, and in that past, did they create the housing crisis, or not? Did they alleviate the housing crisis? Over the last 6 years, or so, we have had something, like, an average of 60 social housing units delivered year in, year out. 60. Not 1,000, not hundreds. 60. So, they contributed to the housing crisis, so to bring up emotively that we are supposed to be doing something for all those people in adequate housing now and if we do not do this here, we are somehow doing them down, is wrong. Of course, we have just heard from the Minister for Treasury and Resources, who has, quite rightly, said that what we are talking about is we have spent £750,000 already invested in this site and any delay was bound to cost more. Well, he is right to say that, but think for a minute about why there has been that cost, or why there might be extra costs: because Andium and the Ministers have not been listening to residents, have not been listening to the people. The cause of that is the fact that they have not listened to what has been asked of them, so now is the time to tell them, clearly, what it is that we want. The numbers are important, from 50-something up to 147, or whatever the number is. We know how the system works. Developers try to maximise their profit on the site and, in this case, Andium is owned by us. It is not a commercial company, it is not about profit and yet the Deputy of Trinity tells us that, by some mechanism or other, this site, at lower numbers, is not viable. Not viable to a commercial company, perhaps; but hang on, we own it. Of course it is viable. Then she comes up with the threat that if we vote for this proposition, then the site may become completely unviable and maybe they will have to leave it empty. What sort of a threat is that? “We have got a housing crisis, but if you do not do exactly what we say and if you vote for this proposition, which is very clear, then we will leave this site empty. We will not be rehousing those 150 people, full-stop.” What sort of threat is that? It is one that should not been made in this House and in and of itself gives me reason to support this particular proposition from my Constable. I will be supporting this proposition because it is about regeneration and not about stacking them high and selling them cheap.

The Greffier of the States (in the Chair):

Sorry to interrupt, Deputy, but the Assembly is again inquorate, so I would ask Members outside the door, perhaps, to enter the Assembly.

Deputy G.P. Southern:

Please return. I will not take it personally. I have cleared this Chamber a few times in my day. You return just in time to hear my final words, so I will be supporting my Constable wholeheartedly and voting for this proposition.

5.1.21 Senator A.K.F. Green

I have no doubt Deputy Southern expected me to respond to some of his comments. I have always been passionate for improving housing. I was Minister for Housing when Andium was formed and I am very proud of what Andium are doing. There has been more done in the last 6 years. Not enough, granted, but more done in the last 6 years than was done in the previous 25, if one was to be honest. How dare he criticise myself and the now Minister for Housing for trying to get things improved? Why have I always been so passionate about housing? Because I was brought up in a cottage at First Tower with no water and no electricity and my parents slept in the one room downstairs and we all slept in the other room upstairs, so I know what poor accommodation is like. The first time I saw an indoor bathroom, the first time I experienced electricity was when I joined the Army, albeit I had to enjoy it with 40 other people. We have got 850 people on the waiting list, not all in that dire straits, but some elderly people, who need to be rehoused into accommodation that they can access easily; others who have families that are in overcrowded situations. We have this need to house as many of those 850 people as soon as possible. It may not be known that this site has been looked at for a long time. In fact, when I was Minister for Housing, I spent 2 years arguing with the then Minister for Planning and Environment, who, for heaven's sake, wanted to list that substandard accommodation, because it was designed by some architect of merit at some time, designed by an architect of merit that set it right back against the escarpment of Mount Bingham. The walls were running - and still are, probably - with damp and condensation and the mould, it is very difficult to find the wallpaper among the mould. I was embarrassed when I was Minister for Housing to go and see that. I was appalled and I saw the effect that it had on the health of the people. So, this site has been planned to be developed for years and years and years and there is always something that gets in the way. So, Andium have come up with a plan. This is not their first plan, this is a compromise. They have protected a certain amount, or placed a certain amount, of green space on the south to north route down Green Street. They have protected a number of the trees down there. They have put a community centre in. I do not know when that appeared, but I know that was not in the original plans. On the south side, they have put more green space, or a *pétanque* court, or whatever residents tell us they want to have. They have compromised. They have compromised in the interests of the residents that live in the area; they have compromised in the interests of the residents that now live as our tenants and they have compromised, so that they can get as many of those 850 people in good-quality accommodation. It is not just about the quality of the accommodation. That is important, but when we refurbished Pomme d'Or Farm, what the people said to me there was not only did they feel valued and they lived in nice homes, but their supplementary heating costs - because those buildings were properly insulated - went down, in the very cold winters, by £50 a week. That is people who are in need, who do not have to spend money heating damp homes. What I am saying here is we have compromised, or Andium has compromised. Look at the plan. It is a good plan. It delivers green space, it delivers new homes, it looks after many of our vulnerable Islanders. The Deputy of Trinity was not threatening to leave the buildings empty if this proposition was accepted. What she was saying was that she will not put anybody back in that substandard accommodation and then we will have to take time to develop further plans. That is what the Deputy said. How dare they say that we were threatening? It was opportunity costs that the Deputy was talking about. I urge Members to support this ... not to support this.

5.1.22 The Connétable of St. Mary:

I have ranged far and wide in incredulity and anger during this debate, for lots of reasons and I am trying to focus now, just to be quite deliberate about what I have to say.

[17:15]

Deputy Le Fondré said this is not about the planning process, other people have said this is about the right decisions being made all the way along, everything has been done correctly. But, in a way, this is about the planning process and I just want to take people back to exactly how this works. Sorry, I must declare, first of all, that I am the chairman of the Planning Applications Committee. When the committee first considered this site - I think it was back in about April 2015, something like that - we spent a long time onsite. This was obviously going to be a very complex application. For a start, the Low Rise was listed, Le Corbusier was involved, no less. There were lots of considerations. It is a densely populated area, the plans were going to make it more densely populated. We had representations on both sides, but really a compelling representation from the tenants. We visited, at great length, all areas in that development. I am going back to a time in my childhood when I spent many, many happy days with my grandparents in St. Saviour. They lived not far from Troy Court, and, as it happens, a lot of my friends lived there. I spent a great deal of time, as a youngster, bombing around Troy Court on my bicycle with a whole load of other people, having kids' adventures, as you do. I had, sort of, assumed that I was going to be looking at almost a flashback to my childhood. When I saw how the space at the Low Rise was set out, I was astounded. There was so much available and so little of it was usable. The families that we visited, because we took ... I do not know if it was either 2, or 3, families that we went into their homes to see how they lived and what their aspirations were. One of them it is immaterial, because it was concerned with the fabric of the building and that is not the issue here - but another family we visited, as soon as we opened the door into their flat, the hall was full of tricycles and little ride-on buggies and things, because they had a couple of small children. They were up, I think, 2 flights of stairs, so everything they wanted for their children had to be carried down those 2 flights of stairs and back up again and stored in their doorway, in their hallway. Okay, that is not the end of the world, perhaps, but what I was astounded at was when they could access their amenity space and there was loads of it, none of it was usable by their children. There were concrete sort-of walkways everywhere, ending in steps, could not let a toddler on their tricycle because you could not catch them before they went over the edge. All of the open spaces had big signs - I will never forget this - "No ball games." Loads of places that people could go, but nothing they could use for family leisure. That was a real turning point for me: to see what was there and then to look at the plans that we had before us and to see how it opened up, how, with a new design, a modern design, understanding how the modern family lives, more people would be on the same area, but they would have more space that they could use. These families were saying to us: "If we are lucky enough to be living here, this is what we want to see." So, that is one thing I need to make sure the Members understand. When the Planning Applications Committee takes consideration of an application, it does so in great detail. Now, I know what it is like as a Constable, because there are, as the Minister has said, protocols in place. I never sit on anything, no Member sits, on anything that is in their own district, or Parish, or whatever; we have sort of walls for that. I quite often stand up in front of the Applications Committee, in my own right, when I have got concerns. I do so in the trust that they will then take my concerns and weigh them up. It does not mean that they agree with me; quite often they do not. Only last week they did not, but I know that they are considering and understanding the questions that I am raising and putting them into the context of the Island Plan. That is really important to me, that there is a process to which every Islander has access, which is open and transparent; everything we do is in public, where everybody can make their representation, whether they be the applicant, whether they be an objector, whether it be one person, or 50 people, they can make their objections, or their comments, or their aspirations known. They can be heard in the context of the Island Plan and in the context of development briefs, guidelines that this Assembly has put down. I just want to make Members understand, if I can, how onerous it is for Members of this Assembly to be on that committee, to be taking all of that responsibility of what Members of this Assembly have said and to be dealing with members of the public, no matter who the applicant is, whether it is Andium, whether it is another big developer,

whether it is a little old lady who wants to extend her cottage. They all deserve the same due process and it is the due process that I am concerned with today, because it does not seem fair to me that because ... having gone through this process, let me be quite clear, we considered this in April 2015. The committee, at that time, could not accept the application for one reason only. There was the lower level of one of the blocks of flats at the back towards Rope Walk had single aspect windows and all they would have seen was the bottom of a retaining wall. We felt that building these homes for people, building a high density, we had to do everything in our power to ensure that the design was good, because anyone in this Assembly, who has ever been to a city, a densely-populated area, will know that some of the most amazing accommodation is in apartments. It is all down to the design and the location. Now, here in this situation, there was no mention of protected open space as a concern and the public had the chance to make their representations. It was not an issue when we refused the application. What happened, as a result, was that the plans were adjusted, distance was put to the wall, orientations were slightly changed, I believe. I cannot remember exactly the details, but note was taken of what the committee had concerns with, because we were concerned that the people who would live there would enjoy a good standard of living and good amenity space. I was surprised, I think someone else has mentioned going around the side of the development towards the seaside, how there was so much open space with which nothing had been done. Nothing had been done and it was just like a concrete wasteland of slabs that did not match in level and it was really not attractive at all. Part of what we have achieved is that is going to be made to look pleasant to everyone, it is going to become usable, so that the walk for the people who live in Green Street, or who pass down there to the beach ... and somebody said it is not a great beach, but hey, it is a beach and it is fun to be on and there is a kiosk down there and there are lots of walkways from it. It is quite a thriving community if you go down there in the summer evenings. Because I have sat on a lot of applications in Havre des Pas and I can tell Members now that there are some there that have been consistently rejected, because they did not improve the standards for people who were living there. So, I want Members to understand that when I agreed to the approval now - this current now - I did so in the knowledge that it met all of the Island Plan tests, because it is not black and white if there is a restriction or if there is a policy constraint. It is not black and white: "Yes, you do this. No, you do not do this." It is a question of: "Does it meet this? Does it meet that? Does it tick enough of the boxes, the criteria boxes, for each policy test to make it viable or not?" It is not black and white. I often joke to people, when they say: "What do you do?" I say: "Well, 2 days a month I destroy the hopes and aspirations of the public" because some people think that all we do is say: "No, no, no", but if the design is good, if there is no limitation, if there is no impediment to other users, we will do what we can to accommodate good design that makes people's lives better. That is what I was doing when I agreed this. So, I am afraid that although people have said it is not a planning issue, for me it is a planning issue in many ways, because it does not seem just to me that an applicant, any applicant, can go through the planning process, which all members of the public have the right to make their representations and to be heard in person if they wish, to go all the way through that and then, just because it is possible to persuade Members of this Assembly - and I am not being specific on this application here, I am talking about policy, the principle - to pick up a certain element of that design, or of that policy and bring it back to the Assembly and try to have it redesigned by the committee of 49; it does not seem right that we allow that to happen, because we set our parameters for what we want to happen when we do the Island Plan. If we have got something wrong in rezoning, or whatever, then it is a question of ... I believe the procedure is to persuade the Minister to bring an amendment and then we can debate it fully. But, I really feel I do not know where I would go as a member of the Planning Committee in future looking at a difficult decision, but this particular application was a big application, but they are not rare. We had one only at our last sitting, as the Constable of St. Clement will know, for the Samarès Nurseries. We have these big developments quite often and it is worrying to me to think that it can go all the way through the due process and then still, at the

end, even after we have said that an appeal is the end of the process, to have it then up in the air again. I must have spent ... I was thinking about it, I thought first of all 5 hours on this application, but probably quite a lot longer than that, because we did have site visits, we had a couple of hearings, we had masses of paperwork to read, I had all the plans to consider. I did not do that lightly. I am concerned that going forward is this a knife in the crack of the door? Am I going to find myself revisiting things over and over again? Because, I have to say, the comment that has made me crosser than anything - and I think it was almost a throwaway comment today - was one from Deputy Southern saying: "It is not just a question of stack them high." I have never considered: "Stack them high" to be a criteria under the Island Plan. There is no reason why good design cannot mean more people, but with better circumstances, because that is how other jurisdictions do it. What we cannot do, is allow substandard accommodation and what we cannot do is allow substandard design, because we are designing around something that may not be as important, in the long scheme of things, as the wellbeing of all the people who live on the development, because we have not taken this development right to the edge of the road. Originally, the development was much closer, I think, from memory. There is now quite a strip. Everything has been done to accommodate, so I am very, very cautious now about considering something which, potentially, means that every decision we take ends up going through the whole process and then still be not good enough. How many people does it take to persuade someone to come to the Assembly? It depends, really, does it not, how much influence they have got, how well they know, perhaps, a States Member? That is not fair. What is fair, open and transparent is the same procedure, open to everyone. That is, really, what we have striven to achieve through the planning application process. Every single step of the way, people are treated the same. It does not matter if it is the big D developer. People often say they get everything they want. No, they do not. Every single case is heard on its merits, every single case we consider the impact. There have been times when I have been all the way certain that I was going to be able to approve something and then someone has come along in that public hearing and said: "But this will be really difficult for me, because I have got this facing issue, or I have got a line of sight worry", or whatever.

[17:30]

Seeing - having been onsite - and hearing that person's plea, even if we cannot always accommodate them, we stop, we pause and we think about it. We did that all during the process and, as I say, when we heard this application, there was not a single issue about that space. That was not a reason for refusal. I am just making sure I have not forgotten anything now, because, I know, Members are wanting to go, but for me this is a really big deal, it really is, because I have put a lot of time into the Planning Applications Committee. I have been on it a while; I have chaired it for a couple of years now. The stock of past history, of case history, that I have built up is important to me and every single thing I have done in the past informs how I go forward in the future. I really do not know where I stand if I can go all the way through that and then something comes on the floor of this Assembly and turns it around. I think, really, I would urge Members: be very careful about this. Protect the processes that we put in place, because they deal with our Islanders evenly and justly. **[Approbation]**

The Greffier of the States (in the Chair):

It is past 5.30. I have got at least one more Member who wishes to speak, as well as the Connétable. What is the wish of the Assembly, to carry on or to ... Deputy Labey.

5.1.23 Deputy R. Labey:

I am very pleased to follow the Constable of St. Mary and I am very pleased to sit on the Planning Committee with the Constable of St. Mary, because the Constable is an exceptionally diligent and brilliant chairman of that committee. **[Approbation]** But the poor Constable of St. Mary has to sit

with me on 2 committees - I do not know how she got landed with me twice - but we have a very, very useful and able vice-chair and I think all of us on the panel work well together. I repeat my apology to the panel for being caught in the crossfire over P.78 and subsequent debate on this particular issue. They do have my utmost respect. There is nothing one can really disagree with with the Constable of St. Mary. I would just point out this: this one is a slightly different thing, in that if it was Dandara and we were talking about an application, then it would be slightly different, but this is a States-owned company, a quango. We are representing the shareholders, the people of the Island, of that. I do feel it is a bit rich of Senator Maclean to stand there and say: "Well, it was not directed at me, that P.78" because the message of P.78 was very, very clear. It was very clear that this Assembly did not want the protection of the green space abolished, they did not want the green space built on and that was the direction. All it would have took ... to this day, I do not understand how the Council of Ministers could not have given ... if the board of Andium did not pick it up anyway, why the Council did not have a word in their shell-like and we would not be here today. I mean, P.78 was in September 2015. I remember it, because I had to work all through my summer holiday. I am never putting in a proposition in September again. Never do it: it is a disaster for holidays. I just do not understand why. It just feels like arrogance on the part of the Council of Ministers, which is partly their downfall and they do not like losing. The speech that Senator Ozouf gave earlier today and the speech that Deputy Pryke gave earlier today we heard in P.78. We rehearsed all those arguments. I am not going to do it again, do not worry - through the Chair - but an argument was won by this Assembly and then ... I know the Constable of St. Mary was not here, but nevertheless the argument was won by this Assembly and then ignored. Now, I know that the Minister for Planning and Environment was in a difficult position and when it suddenly came out that Andium were proceeding with the application, anyway, he was the first person to call me and apologise, he said: "Sorry, I did not know anything about this, Russell." But, you know, nobody from Andium Homes contacted me about this, they were going to proceed anyway. When it happened, I remembered somebody whispering in my ear ... in my jubilation at having won P.78, I remember somebody took me aside and whispered and said: "They are going to proceed anyway. Look out, they are going to proceed anyway." So, somebody must have known that there was an intention, all along, to ignore the will of this Assembly. That is where I part company with Andium and their board. Their officers, on the other hand, are fantastic people who I have, even in spite of this long campaign and we have been at opposite ends, *et cetera*, we do have a laugh together and they have been kind enough to be very gracious to me in our meetings and I have always tried to explain that I have a lot of respect for the officers of Andium. There is a particularly difficult case, with one eviction from the La Collette Low Rise, which I am sad about, but I do have to report that La Collette Low Rise residents have spoken to myself and Deputy Martin, Deputy Wickenden and said that the Andium officers have been brilliant at trying to rehouse them. I would be a little bit careful about all these figures. On the day that P.78 was won, Senator Maclean took me aside, he said: "That is £200,000 down the drain." Now, it has gone up to whatever the figure is, but there was no need for it, all it took was an adjustment. But, I think there is some sort of pigheadedness going on between the Government and that company and here we are today trying to put that right. I would be a little bit careful about all this business about we are stopping people from getting into their homes. Andium could not move the La Collette Low Rise residents out before now, because they were decanting Le Squez and other areas, so there was nowhere for them to go. I have a hunch that P.78, let alone this, has not altered the timing at all and nor will this if it was successful, because all it would take will be an adjustment and they can plough ahead, because the property is very nearly decanted. So, they will probably be still online for 2019. I think it is entirely feasible. Senator Maclean spoke, in an earlier debate today on Senator Ferguson's about the 2 terms and he said: "We are the check and balance, we are the check and balance." Senator Maclean is part of our check and balance with Andium Homes and I am still at a loss to understand why a word could not have been said to the board, to Mr. Gallichan, and we

would not be here and it would be resolved. All the way along in this process I have asked for compromise and I have just hit a brick wall with Andium and, indeed, I have never been invited to talk to the board; one of them came to a meeting at the Town Hall the other day, but Mr. Gallichan has not asked to see me. I am only a lowly Deputy, perhaps I am not important enough. But I think that is a shame. The bigger picture here - I am going to really try and stop in 5 minutes - the bigger picture here is what does protected open space mean and what does a decision at this House mean? Can I just wax lyrical for 5 minutes, because Jersey is not alone here in wrestling with the difficult issues of rehousing people, or housing a growing population in its town. 54 per cent of the world lives in urban areas, in towns or cities, 54 per cent, which is quite unusual with the expanse of the planet, over half of us are huddled together and that figure will rise to, I think, 66 per cent by 2050. So, cities are getting bigger and the smart cities are asking smart questions about how they expand and develop. We know it here: we want people to live in our town, so our town has to live up to its people and that means retaining things like the green space - it is so important - and people can live close together if they have the green space to go to. My flat in Chiswick, I can walk out of my kitchen door in my Bermuda shorts and nothing else and I am met with 8 windows, because it is a mansion flat, and met with 8 windows all looking directly down at me from where the Deputy Greffier is, or perhaps even closer. Then, when I go out into the garden, if that is not enough, I have the District Line and the Piccadilly Line right at the bottom of the garden shooting across exactly where that balcony is. But, do you know what, after a while you forget it and what I have there, I have 3 fantastic parks, Stanford Brook, Turnham Green, Acton Green, within less than half a mile away from me. That is why parks are so, so important to people who live in towns and it is their most important priority. So, we have to ask ourselves, with our redevelopment of town, we have to ask ourselves big questions about architecture and development. We have to ask: can our architecture be collaborative and story-telling, rather than the isolationist, brutal hierarchy of the out-of-character, or the out-of-proportion? Can our architecture be story-telling and be collaborative? There was no collaboration, this is the problem that we have had and Andium have corrected that, to be fair to them, they do now collaborate, they do now talk to everybody in the district about a new development, we have seen it with Ann Court. I do not know what happened with this, with La Collette, but that did not happen here and I just wish that Members could have attended that meeting of the Havre des Pas Committee, which was rammed - 90 or so people - and, bless their hearts, 2 officers from Andium and they were late to the party with the planning application process, because, perhaps, a lot of them were not *au fait* with that process. But, the Council of Ministers seemed to have difficulty understanding what "unanimous" is in terms of a vote. But, that meeting of 90 people was unanimous in its condemnation and once one of my debates, Deputy Moore said to me: "But, Russell, this is N.I.M.B.Y.ism." I wish she could have been there, because not one resident of the area, or of La Collette flats, had any argument with these flats being redeveloped and people having houses and, yes, we might have to take some more. Never one dissenting voice. It was not about that, it was about the space. So, can our architecture tell a story, be story-telling, and can it be collaborative, and what story is this telling me? It is telling me we have a housing crisis and we do not respect protected open space. That is not a good story to tell. The Andium at Les Quennevais is telling - that development, is telling - me that the story it is telling is: "We care about our people and we care about giving a nod to the heritage, the art deco heritage, of the area. So, that is a positive and joyous story that that development is telling. Then we have to look at things like the Gas Place, the first Gas Place thing, that got planning permission, no fault of the Planning Committee, because by then it is a bit late by the time the monster has arrived on the Planning Committee's doorstep and there is all this pressure because we must build these homes by 2000, *et cetera* and, in fact, the problem was with the conception and the conception was the then Minister for Housing and the then Minister for Planning and Environment and that is what we got. Fortunately, we have moved on from then, there is an appeal today and I am going to wrap up ... am I making sense still, or have I lost you? We have the opportunity to

right a wrong, it is not going to be the end of civilisation for Andium, they can deal with this and let us do it and move on. Thank you.

5.1.24 The Connétable of Trinity:

I will not keep Members long. I just want to stand and give my wholehearted support to the comments made by the chairman. It will come as no surprise as I am the vice-chairman of the Planning Applications Committee. We are not paid to be popular; we do work very hard, we consider everything in great detail. This is really about process, where does it leave this committee if every time somebody does not like something they are just going to come back to this Assembly and 49 Members are going to make up their own minds on it.

[17:45]

We have set up Andium, because we want them to drive housing forward, we want them to make commercial decisions, but yet if we do not like it we want to drag them back. We cannot have the penny and the bun, we have given them a job, we need to let them get on and do it. So, I am afraid I will not be supporting this proposition. Thank you.

5.1.25 The Connétable of St. Helier:

It has been a good debate; I am just going to touch on what most Members have said, except where they have repeated previous speakers, of course. The Minister for Planning and Environment, the Deputy of St. Martin, began and, like a lot of Members who were speaking from the Planning point of view, he defended the loss of open space. There was a great deal of comment, throughout the debate, about whether this space (a) was protected at all and, if it was protected, whether it was something that could be lost. He referred to the 4 criteria of SCO4 in the law, which allow for protected open space designation to be done away with. Let us be clear, there is no doubt that the open space we are talking about has the highest level of protection, but there are these 4 criteria, which can be used to avoid complying with that policy. I am afraid I do not agree; I do not agree that, whoever it was and we still do not know, but somebody indicated to Andium that the protection of open space was a matter that could be got around; and I am not suggesting anything wrong was done, it may simply be that, as the chairman of the sub-committee said, there was not much fuss about the loss of open space and it was deemed not a big problem. Well, there has certainly been a lot of fuss about it since and it may well be that we were not sufficiently vociferous about it at the start. But, having said that, it is quite clear from the Island Plan, the amendments that I brought to the Island Plan about open spaces, it really matters in St. Helier and, actually, the Planning Officers should have seen that coming - even if they did not get any specific objections to this scheme - there should have been alarm bells in their minds when Andium came forward with a scheme that built on protected open space. As far as the inspector goes, it was a value judgement by a U.K. planning inspector and it was a single judgement. I simply do not agree with it. He said: "You can go up to the gardens at La Collette", as another Member said. Well, that is not the point. The Constable of St. Peter began the opposition - I am afraid I stole a lot of his thunder, because I was just so nice about Andium - he had to keep on saying: "As the Constable has already said." Because I did not relax on that; I was quite clear that Andium have done a lot and I made it clear that I do not blame Andium for the position we have got in. I am afraid I did not need his homily, or the homily of other Members, on the perilous state of housing, the desperate need for social housing in Jersey. We heard it a lot. We heard it a lot and, let us face it, St. Helier is doing a great job and probably is doing the best job of all the Parishes in taking on social housing, so do not criticise St. Helier, occasionally, for objecting to a social housing scheme, which we feel is an overdevelopment. The Constable talked about extra public space, this was a mistake made by a few other Members, I think Senator Maclean was talking about 800 and something square metres of

extra space. This is the problem we have been wrestling with: it is the difference between private open space and public space and there was only one speech in the debate about parks and that was from Deputy Labey of St. Helier, because a public open space is a park, it is available for everyone and the scheme that has been put forward is certainly generous in private space, or more generous than we are used to, but it takes away public space. The Constable referred to a swathe of 15 feet down Green Street. That was corrected by the chairman of the Planning Committee, who called it a strip, which, I think, is probably more accurate. I ask Members to pick up my report - I was going to save this for the end to my peroration, but I am going to say it now - pick up my report and look at page 5 and look at the photograph at the bottom of page 5, which shows the existing scheme. Look at that grassy bank and trees with the building set far back from the road; and did Le Corbusier not do a good job, at least in terms of how he set out the estate with the buildings far back, the grass and the trees as a buffer, a generous buffer between the buildings and the street. So I do not accept that what we are getting in any way replaces that; as I said before, we lose 80 per cent of that grassy area. I think he was over-egging the pudding when he said: "We are putting the need of families over the need for some unusable grass." Now, if your view of public parks is some unusable grass then we are, I am afraid, a long way from each other. It is a false dichotomy and it was a false dichotomy that several Members said; they said you can either have social housing, high quality, or you can have public space. Well, no, you can have both if you design the scheme in such a way and you get the numbers right, you can have both. That is what, I believe, we are asking for. Deputy Wickenden reminded us that St. Helier is a strategic priority of the States. I had kept that out of my opening remarks, because I was keeping it for my conclusion. But, several Members, I think, referred to the irony, it is an ironic situation to be in, where the Constable of St. Helier is standing up to try to protect some open space when St. Helier is the fourth strategic priority in the Strategic Plan and, indeed, the environment, as the Deputy of St. Mary helpfully reminded us, was added to push the priority of the environment up in the Strategic Plan. So, yes, I thank him for his support. Deputy Tadier also was supportive, although he criticised me for being quite so nice about Andium. At the end he used the phrase, he talked about green fields and it reminded me that, of course, we have not had much discussion about it, Deputy Mézec is normally very good about this, but we have not had the sort of town/country divide today at all, but there is an irony there that, again, there are so many green fields in the Parishes that many Members in support of this scheme, without looking at any in particular, there are so many green fields in Trinity and yet these Members are saying to us in St. Helier: "Well you do not need that piece of unusable grass."

Deputy M. Tadier:

Would the Constable give way? I do not think I did criticise him for being so nice about Andium, I may be mistaken, but just to put it on record and Hansard will no doubt show that, but I think the rest of the comments were correct.

The Connétable of St. Helier:

I withdraw that remark. I am grateful to Deputy Brée who began, I think, a significant focus in the debate on the fact that the States are shareholders. We are not wanting to interfere with the planning process, we are wanting to use that power, that we thought we had, to influence quangos when we think it is sufficiently important to do so, when we want to send out a message; and, I think, this is a message we should be sending out to Andium and to other quangos that we are involved with. As I say, I am grateful to the Deputy of St. Mary, the Chair of the Environment Scrutiny Panel, for talking about and drawing our attention to the fact there was no reference to the environment in the M.O.U. with Andium. I mean that is appalling and that does need to be dealt with, although I think it was Senator Maclean who said, rather worriedly, that: "If we do that, we will not be able to build so many units." Please, let us not, as an Island, put the environment at the

heart of our strategic policy and then have problems with it when it affects density of housing. The Constable of St. John talked about us following due process in planning. I have already referred to this; I am not sure about how the green space got through, the loss of the green space, but he did raise the question - and a number of other Members did this - why the Council of Ministers was not more alert when the States had that decision and I think this is a theme that many Members, including Deputy Labey at the end, have been very concerned about: why, having agreed something in this Assembly, was the message not communicated? The direction was the Minister for Planning and Environment, but why did the Minister responsible for Andium not have that conversation with Andium, why did the Council of Ministers not collectively say: "Hang on a minute, St. Helier is a strategic priority, the environment is an important part of our Strategic Plan and yet we are proposing to do something that none of the St. Helier representatives want to happen."?

Deputy Martin said I am too trusting. "Build, build, in the town", she says I say that. I do not say that. It is always heavily caveated, it is always caveated: build in the town, but provide us with high quality open space, provide us with sufficient parking, provide us with a decent environment. There is always a caveat. If I am too trusting, or if I have been too trusting, perhaps today will be the acid test of whether I have been right to trust the States, to trust the States' commitment to St. Helier. I am grateful to the Deputy of St. John who quoted from the M.O.U. and she reminded us we do have the power: "To ask them to refrain from doing a particular thing." I think that rather nicely sums up what we are asking, I hope asking, Andium to do, which is to refrain from taking away public space. Senator Ozouf asked where we should build, assuming we cannot build on this open space, where can we build? Well, there are numerous brownfield sites in St. Helier, which have not been developed and which we are not even moving towards developing. There is the site of the former Royal Theatre in Don Road, there are many sites around the former Odeon, I would argue there is the Odeon itself, but we will not go there. There are lots of outworn sites, sitting empty, which should be developed and I have spoken to Andium about that and they agree with me. I think there was a certain amount of shroud-waving from the good Senator; I simply do not accept that, if we ask for this plan to be changed, I think Deputy Labey again referred to this, it is not going to be left empty, it is not going to cost millions of pounds, they are a nimble, agile and very focused department and I believe they will come back very quickly with a scheme, which respects the decision of the States and which protects the open space. Deputy Andrew Lewis, Deputy Lewis of St. Helier, he said the word - which I completely missed in my planning, I was so pleased that he spoke and he spoke very well - in a word, "Plémont". Now, St. Helier representatives and I got criticised for doing it, we voted to support the purchase of Plémont for significant amounts of money right out in St. Ouen where there is already loads of it, loads of open space, we supported that, because it is sustainable, we keep the countryside green and we put the buildings in St. Helier, with the caveat that St. Helier has the open space and the trees and so on. Yes, he said it will be gone for ever; it absolutely will be gone for ever if it is built on and I thought, perhaps, we could rename Green Street, not Green Street, but Grey Street. I am grateful to Senator Ferguson for her support. Then we had, I am afraid, more shroud-waving from the Deputy of Trinity, who said we will miss the target. Well, I have more confidence in Andium than she has; I do not believe that we will. She is a member of the Future St. Helier ministerial group. Now, surely, town cramming is not part of the Minister for Housing's vision for St. Helier and I think when you get up to this kind of level of building, you are getting towards town cramming. The Constable of St. Martin said I was resigned to defeat. As I explained, I probably was at the start, because I was very out of breath, but I got less resigned as the debate went on and, particularly, when the Constable of St. Martin spoke. I thought coming from, probably, the leafiest Parish in the Island, for him to support this protection of open space in St. Helier was quite significant. He, too, was alarmed by the almost trebling of the size of the estate and reminded us that St. Helier is up there in the Strategic Plan of the States. The Deputy of St. Peter dragged 2 red herrings across the floor of the Chamber, one to do with building on a field in St. Peter and one about the police

station. I am afraid I am not going to follow either of them, but I am grateful to her for speaking. Deputy Le Fondré got quite hot, I think. He was quite cross to be accused of a lack of interest in social housing. He, of course, is involved in delivering it himself and I echo that on behalf of the Parish. Deputy Bryans gave us a view from the Cedars. I remember former Chief Minister Frank Walker telling me, when I was arguing about open space in this very place, he said: “You have the beach, for goodness sake, Constable.” Well, it is true you have the beach when the tide is out at Havre des Pas but, I must say, I think the walk down Green Street is vastly improved by the open space that is there and I think if it is improved further, if it is made more accessible, that can only be stronger.

[18:00]

Senator Maclean, I think, indulged in some hair-splitting about whose job it was to implement the previous States’ decision. He said the Island Plan had been followed. I have already indicated I do not think it was in its entirety. He queried how many people are in the Havre des Pas Improvement Group. Well, it depends. I think Deputy Labey was perhaps saying more people than were there; it was, certainly, noisy, but I do not think we had 90 at the last meeting. A different meeting, right. What I would say is that 28 members of the Parish Assembly of St. Helier voted for this and only 3 against. Now, okay, that is 31 people voted in a Parish Assembly before I brought this proposition, but at least I took it to a Parish Assembly and it was adopted by a vast majority of people who wanted to come to the Parish Hall and express their views. Senator Maclean also said, which worried me, that maintaining open space meant this scheme would need to be smaller. Well, that is a judgment, which I think we have to address, because it is important St. Helier is not deprived of open space just because we have to take all of the units. On the eve of the U.K. general election, Senator Maclean used the phrase “money tree”, which made me smile. I am grateful to Deputy Southern for his support, he said money spent on plans need not be wasted, the site will not be left empty and I absolutely agree with him about that. This proposition is about regeneration. The word “regeneration” is now used by developers. We probably noticed on Planning every application is regeneration, even if it involves stacking them high, as Deputy Southern said. Okay, this is not stacking them high, but it is a trebling of the number of units on the site. That does not necessarily mean it is regeneration, particularly when you take away the open space. Senator Green spoke next, he is the Assistant Chief Minister and, as an aside, I noted from Twitter - I confess I was looking briefly at my phone - the Chief Minister has listed, in defending his position, a number of priorities. This is the no confidence vote I am alluding to. One of his priorities is protecting Jersey’s unique environment. So, although he is not here, I hope that that priority that I have picked up off Twitter will serve to give a steer as to how the Chief Minister would have voted had he been here. The Constable of St. Mary, chairman of the Applications Committee, she has a terrible job and I really feel for her, she sounded really quite tired and I almost thought she was going to make this a resignation issue and I hope she will not. I think there is no issue here about the precedent, I am not going to come back to the States with every planning application, which does not go the Parish’s way, of course I am not. I mean I have not done so in the past and an awful lot of them have gone through with curious things happening. But, this is fundamental to me, it is a fundamental issue, it is fundamental in the Strategic Plan and I hope, if it is supported by the States, that she will not take it personally and nor will her committee members. I absolutely agree that good design can work and I think Andium are showing good design can work and I think Andium will very quickly, if we adopt this proposition, will come up with another good design, which probably will achieve fewer units on the site, but will respect the previous decision of the Assembly. Finally, almost finally, I am kind of lumping the Constable of Trinity in there with the Constable of St. Mary, if that is all right. Sorry, “lumping” is the wrong word, but you know what I mean. Language is so difficult and I think sometimes of Hansard. Deputy Labey began his speech with the phrase: “A word in their shell-like.” I was thinking what is the Hansard - I do not know if

they are still in New Zealand - what are they going to make of that? For Hansard's sake I should say that means "a word in their ear", of course. He asked us to treat some of the figures that have been bandied about with caution and, as I said, the only speech we heard today about the importance of public parks came from Deputy Labey and he is absolutely right. If St. Helier is to work as a place in which people choose to live, it must have high-quality public parks. This is a small one, it is not high quality, but I would not be surprised, if we adopt this proposition, that Andium will come back with a high-quality public park and we will be able to continue to call this Green Street. I maintain the proposition.

Senator A.J.H. Maclean:

Sir, if I may, I wonder if the Constable could answer 2 questions that during my speech I asked. One was for him to confirm how many residents there were in the meeting last week, because I believed it was around about 20, or so, and also there was a vote held, it would be interesting to know the outcome of the vote, because I think that would be quite illuminating as well.

The Connétable of St. Helier:

I am sorry, Senator. There were about 20 or so, maybe 25, people there, which is almost the same as were at the Parish Assembly. A vote was called for, but the meeting had started to break up in disarray and Deputy Wickenden was struggling with certain very vociferous people, who seemed to want to get their hands on the Andium officers, so we did not take a formal vote, but, certainly, the feeling was not unanimous, but I would say, certainly, the majority of people there expressed views against the development.

The Greffier of the States (in the Chair):

Thank you, the appel has been called for. Members are invited to return to their seats. Members have had the opportunity to return to their seats. I ask the Greffier to open the voting.

POUR: 19		CONTRE: 19		ABSTAIN: 2
Senator S.C. Ferguson		Senator P.F.C. Ozouf		Connétable of St. Brelade
Connétable of St. Helier		Senator A.J.H. Maclean		Deputy J.M. Maçon (S)
Connétable of St. Martin		Senator L.J. Farnham		
Connétable of St. John		Senator P.M. Bailhache		
Deputy J.A. Martin (H)		Senator A.K.F. Green		
Deputy G.P. Southern (H)		Connétable of St. Clement		
Deputy of Grouville		Connétable of St. Peter		
Deputy J.A.N. Le Fondré (L)		Connétable of St. Mary		
Deputy M. Tadier (B)		Connétable of St. Ouen		
Deputy of St. John		Connétable of Grouville		
Deputy M.R. Higgins (H)		Connétable of Trinity		
Deputy S.Y. Mézec (H)		Deputy J.A. Hilton (H)		
Deputy A.D. Lewis (H)		Deputy of Trinity		
Deputy R. Labey (H)		Deputy of St. Martin		
Deputy S.M. Wickenden (H)		Deputy R.G. Bryans (H)		
Deputy S.M. Bree (C)		Deputy of St. Peter		
Deputy M.J. Norton (B)		Deputy of St. Ouen		
Deputy T.A. McDonald (S)		Deputy G.J. Truscott (B)		
Deputy of St. Mary		Deputy P.D. McLinton (S)		

In accordance with the Assembly's rules, the proposition is not adopted.

The Greffier of the States (in the Chair):

As I was saying, one proposition has been lodged this afternoon entitled Vote of no confidence: Chief Minister. It may be sensible to consider the timing of that proposition, given that it has been lodged slightly late for the normal time in which we would be debating, which would be the opening of the sitting on 20th June. I do not know whether any Member wishes to intervene?

Senator A.K.F. Green:

I think out of fairness and tradition, to be honest, that P.55 should be taken as the first item at our next sitting. I note that it is late getting in, but I do not think the Constable of St. John would want it any other way, although I will let him speak for himself.

The Greffier of the States (in the Chair):

The proposition has been made to reduce the lodging period under Standing Order 26(7). Is that seconded? **[Seconded]**

The Connétable of St. John:

I had discussed this late yesterday evening, just as the Chief Minister left and informed him that I would apply to this Assembly to debate on Tuesday, 20th June, as the first item, as would be the tradition. It is only correct that that is done and I hope the Assembly would support that. Thank you.

The Greffier of the States (in the Chair):

Does any other Member wish to speak on the matter. If not, can I ask Members to show if they are in favour of that proposition? I think that is adopted.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

6. The Connétable of St. Clement (Chairman, Privileges and Procedures Committee):

Future business, if I could start with 18th July, as per the Consolidated Order Paper plus 2 items lodged today, projet 53, Draft Control of Housing and Work and Charges, and projet 54, Draft Liquor Licensing Law. I would ask Members to note that 18th July is the last sitting in this session and is now getting rather full and I would ask Ministers to consider whether any new items, which need lodging, could be delayed until September, otherwise we could be here for most of July if things carry on the way they are going. 4th July, as per the Consolidated Order Paper, except I would like to move projet 43, Privileges and Procedures Committee's the Standing Orders of the States, to 4th July from 20th June. 20th June, as per the Order Paper, plus the vote of no confidence that we have just agreed, and that is the proposition I would like to make.

The Greffier of the States (in the Chair):

Does anybody wish to speak on the proposition?

Deputy G.P. Southern:

How many days next session?

The Connétable of St. Clement:

With the vote of no confidence, I would suggest it would be at least 2 days. I should add that we do have, on 20th June, on the Order Paper, the Jersey Innovation Fund Committee. With the vote of no confidence, which, according to the report of the proposer, is about the Innovation Fund, I am just wondering if, perhaps, that would be needed as well, but that will be a matter for Deputy Higgins and Members.

Deputy M.R. Higgins:

I think I will consider it, but what I will say is that a lot depends on how the debate goes on the other one. I think we definitely need to hear more about the Innovation Fund. The vote of no confidence will stray over many things and, therefore, I would rather leave it as it is at the moment.

The Greffier of the States (in the Chair):

Does any other Member wish to speak on the arrangement of business?

Deputy M. Tadier:

Could the chairman confirm whether a date has been provisionally, or otherwise, set for the in-committee date on the Care Inquiry?

The Connétable of St. Clement:

It is my understanding that a request from a number of Members has been made to the Bailiff, as per Standing Orders, and he will notify the States of the date of that when he has considered the matter.

The Greffier of the States (in the Chair):

If there are no other comments the Arrangement of Public Business is agreed to and the States stands adjourned until 9.30 a.m. on 20th June.

ADJOURNMENT

[18:12]