

STATES OF JERSEY

OFFICIAL REPORT

WEDNESDAY, 12th MAY 2021

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[9:31]

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

PUBLIC BUSINESS - resumption

Deputy I. Gardiner:

I would like to advise that I will be representing States of Jersey Committee System at Lesotho Parliament workshop this morning and I will be back for voting at 11.00.

1. Draft Eligibility for Election (Amendment of Laws) (Jersey) Law 202- (P.22/2021) - resumption

The Bailiff:

So you wished to be marked away on States business, in effect? Thank you very much. We resume the debate on P.22, the principles, and the Attorney General was to advise. Mr. Attorney, are you in a position to advise the Assembly on the various matters that were raised prior to the adjournment yesterday afternoon?

Mr. M.H. Temple Q.C., H.M. Attorney General:

Yes, Sir, I hope you can hear me. My camera does not ...

The Bailiff:

Yes.

The Attorney General:

I was asked I think 5 questions. If I may start with Deputy Tadier's second question. He asked me to confirm that we are not inventing something new, i.e. the reference to "as being ordinarily resident in Jersey". I do give that confirmation. We are not inventing something new. The criteria of "ordinary residence" is already in the current version of Article 7 of the States of Jersey Law and in Article 4(b) of the Connétable Law. As regards Deputy Tadier's first question about the meaning of ordinary residence and the effect of periods of absence, the concept of ordinary residence is not defined either in the States of Jersey Law or in the Connétable Law but, as I indicated yesterday, its meaning is clearly intended to mean ordinary residence for tax purposes. It is a well-known tax concept and it is referred to in Article 126 of the Income Tax Law 1961, which provides that every individual who is ordinary residence has been in Jersey shall be assessed and charged to income tax. Revenue Jersey gives further guidance on the meaning of the term. The guidance provides that someone is liable to Jersey income tax on their worldwide income regardless of where it arises, where they are ordinarily resident. Effectively it means someone who lives in Jersey permanently or who intends to live here for 5 years or more. As I indicated yesterday, it is effectively where someone's home is and where they regard as being home. Revenue Jersey's guidance also provides that a person can continue to be ordinarily resident if they live temporarily abroad on an occasional basis. But they would lose "ordinary residence" if they leave Jersey for a longer period and the guidance suggests a full year or longer. It does not mean, I would stress, that a person has to pay tax in Jersey in order to be ordinarily resident. It is how they are regarded for tax purposes and so that is a different concept in terms of being licensed or entitled to having permission to work for the purposes of the housing and employment law. In relation to the Constable of St. Ouen's question about whether it was a clear definition; in my view, yes, it is a clearly defined and well-known concept. It is used fairly frequently in our legislation and I have not been able to find overnight any cases reported in J.L.I.B. (Jersey Legal Information Board) where there is a dispute concerning its meaning. That points to the fact that it is not really a contested term. It is one that is well-known. I think it is difficult to think of a practical alternative to the term in terms of defining residence. Fourthly, Deputy Martin asked a question where she cited an example of a child who is born in Jersey and then leaves to go to university and then comes back and wishes to stand for election, would that person be able

to stand. My answer to that is that on the current version of the law, which simply provides for ... it does not have a test of being entitled or licensed or entitled to work under the housing law. Under the current version of the law the person has 2 alternatives; they either have to have ordinary residence for 2 years or they can have 6 months ordinary residence up to the date of election providing they have an overall total of 5 years ordinary residence. On that definition, in my view, a person in those circumstances, the example cited by Deputy Martin, they probably would be able to stand for election because simply going away periodically to attend university would not be sufficient to break their ordinary residence for tax purposes. But alternatively, if that person goes away to work perhaps in the U.K. (United Kingdom) or another part of the world for one or more years, then that person would not be ordinarily resident but they would still be able to stand for election under the current version of the law because there is the alternative of just having ordinary residence for 6 months up to the date of the election and then a total of 5 years ordinary residence; so that person would probably be able to stand under the current version of the law. But then they would not be able to stand under the proposed draft law as set out in the proposition because they would also have to establish that they had 5 years of ordinary residence up to and including the date of election. So that is a different and higher threshold that is being introduced in the draft law. Lastly, Deputy Le Hegarat asked a question about whether someone could come to Jersey, live here for 2 years and whether they could stand for election despite not having entitled to work status in Jersey.

[9:45]

My answer to that is under the current law, as it stands, without the amendment, is yes, it is possible for that person to do that. Because under the current law a person simply has to establish 2 years ordinary residence, they obviously have to have British nationality as well, so that person would be able to stand despite not having entitled to work status or entitled status or licensed status. That person could stand under the current version of the law but, under the proposed amendment, my answer is that no, that person would not be able to stand because in addition to needing 5 years of ordinary residence they would also have to have one of those 3 categories under the Control of Housing and Work Regulations; namely licensed, entitled or entitled to work only status. So that person would not be able to stand under the proposed draft law as set out in this amendment. I would remind Members that earlier - I think it was in March - Members approved the migration policy in P.137/2020 and under the migration policy, which was just put to Members in principle, it was not setting out any legislation, so the legislation is to follow. But under P.137, Members approved in principle the abolition of the entitled to work status. If the proposition were to be adopted thought would need to be given to whether there would be some sort of specific exception for membership of the States in relation to entitled to work persons because those persons would not be able to stand if the proposition was adopted, and the legislation that would follow on from the approval of the abolition of the entitled to work status did not provide for some specific exception. I hope that answers all Members questions.

The Bailiff:

Thank you very much, Mr. Attorney. Deputy Southern, you have a question for the Attorney?

Deputy G.P. Southern of St. Helier:

It is about the extent to which the ordinarily resident rules operate and what constitutes a gap in ordinary residence. The Attorney General appeared to be saying that for tax purposes one year out of the intended 5 would disqualify you. I am wondering whether that one year out of 5 would also mean that ordinarily resident would not apply to somebody trying to stand as a candidate if they took a break of a year.

The Attorney General:

The Deputy is correct. If the person was away for more than a year from Jersey then that would mean that they would not be able to stand under the proposed amended version of the law in this proposition. Under the current law, if the person was away for a year they might still be able to

qualify to stand for the States because, as I said in my previous answers, the current law provides 2 alternatives as regards being ordinarily resident. Either the person has to have completed 2 years of continuous ordinary residence in Jersey or the second alternative is that they complete 6 months up to the date of the election but then they also have an overall total of 5 years of ordinary residence. So in the Deputy's example, the person might qualify under that second alternative if they had the overall 5 years of ordinary residence and then in the 6 months prior to the election they were also ordinarily resident in Jersey.

Deputy G.P. Southern:

We appear to be digging a hole, is all I can say. Thank you for the advice.

Deputy R.J. Renouf of St. Ouen:

May I ask the Attorney's opinion on a resident of Jersey who might be recruited into Her Majesty's Armed Forces and serve for a length of time, exceeding one year, and be living and establish a home in forces accommodation? There being no opportunity to serve in the forces locally, that person from Jersey necessarily has to reside away from the Island, would they be ineligible for election upon their return to the Island to live?

The Attorney General:

They might be able to stand for election under the second limb of ordinary residence under the current version of the law. So if the person could establish 6 months of ordinary residence up to the date of the election and then an overall total of 5 years of ordinary residence in total then that person might be able to stand for election or be able to stand for election provided they were a British national.

The Bailiff:

That would be under the current version of the law?

The Attorney General

Under the current version of the law, yes.

The Bailiff:

And the proposed amendment to the law?

The Attorney General:

Under the proposed amendment, no, because the proposed amendment is that they have to have been ordinarily resident in Jersey for at least 5 years up to and including the date of the election. That is very clear. You have to have 5 years up to and including the date of the election. There is no alternative as under the current law of just 6 months up to the date of the election provided you also have an overall total of 5 years.

The Bailiff:

That ends questions to the Attorney General as presently notified. Next to speak is the Deputy of St. Martin.

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

I would not be so presumptuous to say that other States Members made a mistake and did not know what they were doing when they voted on the various votes on P.75. The States Assembly made a decision and that is why we are here today but I do know that, on reflection immediately after that debate, I had made an error in the confusion on those various votes in that debate, one that I greatly regretted. I am not in favour of greatly reducing the eligibility of people to stand for the States Assembly. I am definitely not in favour of reducing the eligibility and I do not want to go as far as Deputy Tadier proposed and allow almost anybody to stand. But I do believe that where we are at the moment with 2 years is probably about where we need to be and I have decided that I will be

changing my mind from the votes I had made back on P.75/2020 and be voting not to bring this in today.

The Bailiff:

Does any other Member wish to speak on the principles? If no other Member wishes to speak on the principles ...

Senator J.A.N. Le Fondré:

I can see 2 in the chat.

The Bailiff:

I have Deputy Ward next and the Chief Minister after that.

1.1.1 Deputy R.J. Ward of St. Helier:

I wanted to thank the Attorney General for the clarity of that answer because I think for many of us who have been ... I know last night going home I was looking through this and just thinking I should have asked the Attorney General a question but they have been asked, which is great. It is clear that we have a current law, which although perhaps needs overhaul and needs looking at, we made a change or some voted for a change which does not improve where we are, given the context of where this Assembly is at the moment, and the context that we are looking forward in terms of encouraging candidates to stand, encouraging healthy, contested elections across the Island, so that we drive up the governance of the Island in terms of the quality of candidates who are here. There are a couple of things that I was surprised at some of the comments. I think meaning to be clear, that if you leave the Island, and it is clear now from the Attorney General for a year, regardless of whether you were born here, whether you moved here, regardless of all those things then this law means you have to stay here for 5 years before you can stand for election. Now if you have lived the vast proportion of your life here, you move away for a year for one of a myriad of reasons, be it work, be it to gain experience elsewhere, and we are always encouraging people to go and gain experience and bring that back to the Island, then what we are doing is then saying to those people: "By the way you have got 5 years of some sort of proof before you can stand." Currently it is 2 years and they are arbitrary times and I am not entirely sure why the 2 years are there. That is for another time. But this makes a step backwards. In the end I am not entirely sure, and I did rack my brains to try and think what is it that people do in those extra 3 years that make them more eligible or make them more appropriate to stand for election. Let us remember, it is about standing for election, not being elected. As many, many know those are 2 very different things because it is in the end the electorate who decide whether somebody comes and sits in this Assembly to represent them. You have to get your message across and you have to convince the electorate. The reality is if someone arrives in our Island with no background, *et cetera*, it will be more difficult because you have to get used to, and you have to have a reason for standing. We all have our own individual reasons for standing. Be it because of your experience in the Island, of family's experience that you want to improve; I speak for myself there. We all have our own experience of why we stand. They are very personal. Sometimes they are very collective when people work together as well. But we need to remember those. This change does nothing - absolutely nothing - to address that or it is totally irrelevant to that. The current law has the word "or" in it. That is the key. This change has the word "and". And as we have seen before in this Assembly a single word can make a lot of difference to the implications of a piece of legislation. That is certainly the case here. I do not think we can equate changing a decision on this with other decisions that came back to the Assembly. I think they were very different and there were very different reasons for people bringing back those debates. This one is something that has been recognised by a number of Members immediately after the debate and by P.P.C. (Privileges and Procedures Committee). Can I make this point about the political nature of P.P.C.? I would say we are all politicians by the way, I just remind you all of that. We are all elected politicians and so to say that you are apolitical I think is not true at all. But in terms of P.P.C. it is from across the Assembly. Anyone who has worked with Scrutiny or P.P.C. or P.A.C. (Public Accounts Committee)

knows that you cannot be the lone voice on that. You have to take people with you and you have to listen to other people. That is why it is good for us all to do Scrutiny and be involved with Scrutiny because it means that we do not exist purely in our own echo chamber. That is healthy for everybody in this Assembly. I object to that. I do not think that is the case. I think that is incorrect. By not voting for this we will have the opportunity to correct something, to go back to where we were, and with the clarity that we have got through this debate, and it is very interesting that we begin on Wednesday morning all fresh after a night's sleep with some clarity from the Attorney General and I know for one I am absolutely certain about my voting today; absolutely certain that this is not the change that is good and healthy for this Assembly. It is not a change that is healthy for this Island and it is not a change to attract those people that we want to, the diversity of this Island, and get to that point, which I think deep down we all want to be at, which is this Assembly genuinely reflects the population of this Island. That is what we need to have if we are going to have healthy governance and a healthy democracy. I urge people to reject this legislation.

[10:00]

1.1.2 Senator J.A.N. Le Fondré:

I am quite pleased to follow the last speaker. I was looking back at what Deputy Tadier, assuming I have got the right amendment, actually proposed. He basically said in the amendment that a person should have a continuous period of residence of 5 years and be entitled to work, *et cetera*, to be eligible to stand for basically an election, in those days, as Senator, Constable or Deputy. I think it was very clear that it was a continuous period of 5 years. I think what we have to remember is we are not talking about somebody applying for a normal job. One is applying here to represent the Island, represent the public, in a legislature, representing the Island and its culture and its community, sometimes internationally. There are quite significant responsibilities that come with this role, even though the public may not always recognise those. What was interesting, I was going back ... 2 things. One was what I said previously in the debate of the day and also what Deputy Tadier's arguments were on the day in support of his amendment. As I said, we have to always recognise and remember, even though sometimes the media or certain sectors of the public may not realise it, it is an honour to represent the Island in this Assembly. It is hard work, we know that, but it is an absolute honour. What I would like to do is pick up a couple of arguments that have been made. What Deputy Tadier said, that he himself thought he was relaxed about the need for any length of residence or what that length should be. But he says: "I have been convinced to take 2 points into account which seem germane to the wider argument. The first is a technical argument ... Jersey has a longstanding policy that most jobs require people to have been in Jersey for 5 years to be employed. This is also the public sector. Some have pointed out to me that it is inconsistent that no such rule exists for standing for the job of States Member." That is quite valid. The second point, he makes the point we are not the British Parliament, we are the Parliament for the Bailiwick of Jersey and it could be argued intelligently that to be a Jersey politician you should simply have to be a Jersey citizen. He then carries on to say, for example, and cites the role of a police officer. He says they do need to be a Jersey citizen however with 5 years' residency. Obviously part of it was around British nationality but he does make that point. Then again, the same would be the case for any successful candidate who did not - in this case it is around nationality - after 5 years they will be Jersey qualified, they would take the oath of office and they would, among other things, make Jersey laws for Jersey residents. The argument of course Deputy Tadier was running as well is around British citizenship versus non-British citizenship and who should stand. But I find it slightly odd that the criteria for a British citizen should be any different for somebody who is not a British citizen and therefore harmonisation at 5 years, which is consistent with all our other roles, including that of a police officer, would seem to make sense. As I said, the role of a States Member, believe it or not, as in certain parts of the public will not agree with this or may not realise it, is an important one. It is representing the Island in all sorts of circumstances as we have seen in the last few days. It is about implicitly understanding that culture and how we operate. It is not inconsistent with other jurisdictions. The one I particularly cite, which was cited last time round as well, is the United States requires a member

of the House to be at least 25 years old and have been a U.S. (United States) citizen for at least 7 years. It then comes down to working through. Should we have a time restriction or a time threshold or should we not because one could go for the argument we should not have any restriction, in which case somebody can come into the Island on day one and stand for election on day 2. I would hope most people would consider that ridiculous. In which case, what is an appropriate level to have as a restriction? Five years would be consistent with a number of the other restrictions that we have in place. On that basis, I think I will keep my argument as short as I have got to, I see no reason for changing my vote. I did understand broadly what we were voting for. I think the argument Deputy Ward has just tried to run that, yes, we should, in the same way as Deputy Morel very carefully reminded us yesterday, there was criticism in the last debate on the electoral reform of people challenging the in-principle decision that had been made prior to that and I think that same argument runs today. The Assembly agreed in principle to make this change. It was a well-argued debate and frankly I think we should be sticking to that decision otherwise the alternative argument also falls. Let us be consistent and I will be voting for this proposition and supporting P.P.C.

1.1.3 Deputy L.B.E. Ash of St. Clement:

Can you hear me there, Sir?

The Bailiff:

Yes.

Deputy L.B.E. Ash:

Excellent. Well I hope it is excellent. It depends whether people like what I have to say. I tend to greatly agree with what Deputy Morel said yesterday. This was not a mistake. It was a mistake on Deputy Tadier's part, I think, and he admitted it himself. He had brought this. He had put that in, in the hope that by offering a 5-year fop that we would all agree to have non-British citizens sitting in the States. That was voted down and he ended up with a 5-year situation on his hands as well and thus we are now being asked to review it. Personally, I would like to see P.P.C. withdraw that. I think there is still time for them to withdraw it because I think we need to put considerably more around what this 5-year means. I personally think that if you were born here that that should be sufficient to expand. If you have left here, having been educated here and lived here for your whole life and joined the Armed Forces and worked away, then you should be eligible to stand. I think we need to put a lot more wrapped round what constitutes 5 years. The other thing I thought was very salient to this whole debate was made by Deputy Le Hegarat yesterday. I have a copy of the *J.E.P. (Jersey Evening Post)* here today. The Skin Clinic here is looking for a secretary/receptionist, 15 hours a week, successful applicant would need to be flexible - probably rule me out at my age - but one of the things it says down at the bottom there is all applicants must possess entitled to work status, i.e. you would have had to have been here for 5 years. What we are effectively saying with our laws is that to work as a receptionist for a skin care company you have to have been here for 5 years to do that job for 15 hours a week, but to work the many hours a week as a States Member and make the laws of the Island you merely need to have been here for 2 years. To me that does not make any sense at all. One of those 2 things are wrong and need to be addressed. That is why I feel that I would ask P.P.C. and, as I say, it is not too late to withdraw this, let us have a look at exactly how we phrase this 5 years and then bring it back more realistically.

1.1.4 Connétable K. Shenton-Stone of St. Martin:

I would just like to say from the perspective of being a Connétable that to become a member of the Honorary Police you only need 2 years continuous residency. We are fortunate to have a diverse H.P. (Honorary Police) membership that I, for one, am extremely proud of the Honorary Police in my Parish, as I know all the other Constables are. Surely if 2 years is long enough to police our lovely Island it is long enough to stand for election. We bring other people in, we can bring in a chief executive who has had no experience in the Island whatsoever and he or she is allowed to hold a very prominent position, but we are saying to our own people: "Actually you are not good enough unless

you stay for 5 years.” I just thought it was interesting that if you want to be a Member of the Honorary Police you need 2 years’ residency.

1.1.5 Deputy R.E. Huelin of St. Peter:

I find myself with Deputy Morel and the Chief Minister insofar as the Assembly knowingly approved this in-principle proposition whenever it was, hence the purpose of the debates today, however I am struggling with a couple of things. I am really only jumping up metaphorically to speak to support Deputy Ash because I think we are so very nearly there. I do not know why at some stage something has slipped through the net here between Deputy Tadier’s proposition and then coming back to P.P.C. I do not know what it is because it is very interesting the amount of questions that have been raised by Members, which implies that maybe, and I am guilty of this as well, did not give enough thought to this particular proposition in advance. I think it could come back with absolutely the ideal - and I wish I had thought about it and brought the amendment - and Deputy Ward raised it, the difference between the word “and” and “or”. Because if there was “and” I would not have been able to stand when I did in 2018 and if it was an “or” I would be able to. That is because I have entitled status because of previous tenure in the Island and birth right, but mainly the previous tenure in the Island by being brought up in Jersey. I am inclined to support, if push comes to shove, but I really would like P.P.C. to take into consideration Deputy Ash’s words, and my support of those words, and come back with just a tiny bit of fine-tuning, which I think would really enhance it. Just that “and” and “or”, I think would make all the difference. I thank Deputy Ward for drawing that to our attention.

The Bailiff:

Deputy Ward, do you have a question?

Deputy R.J. Ward:

Yes, I do not how to balance this question but procedurally I do not believe that these regulations can be delayed and changed so we may be talking about something that cannot happen. I think it is really important when we get to these points to have a ruling on that. I wonder if I can ask.

The Bailiff:

The question is whether it is open to P.P.C. to withdraw?

Deputy R.J. Ward:

Yes.

The Bailiff:

The debate is open, P.P.C. can withdraw with the leave of the Assembly.

Deputy R.J. Ward:

Thank you, Sir.

1.1.6 Deputy G.C. Guida of St. Lawrence:

I can only talk about my own experience of being elected in 2018. I vividly remember having to go to Social Security to acquire a card that I had never had before, having been self-employed in the Island. What they asked for was an entitled card. They wanted an entitled to work card. They were not going to go with a simple registered one, which would have been my standard situation. This was quite difficult to obtain, despite my many, many years in the Island. I do not think that today it is legal to have somebody in the Assembly who is not entitled to work. I cannot see how that is possible and certainly Social Security was not going to let me get away with it and I had to get my card; I would not be in this Assembly.

1.1.7 Deputy M.R. Le Hegarat of St. Helier:

I, like many, was confused the last time and did vote incorrectly but more importantly as well, I would just like to make a point that I think it was the Chief Minister made in relation to the States of Jersey Police. They are, I think you will find, able to be recruited as 3 years having lived on the Island because a probationary officer would then do 2 years of probation, which would take them up to the 5 years.

[10:15]

But I would also like to make the point, like the Constable of St. Martin did, the ability to have been able to recruit police officers, as an example, from across the Island and across the population has significantly made a difference to that service. Without a doubt, what they brought to the States of Jersey Police was significant from the ability to be able to deal with our community across the board. So therefore I think that it is important that the States Assembly also represents the Island's population as a whole. So I will vote against this today because I think it is the right thing to do. The questions I asked yesterday of the A.G. (Attorney General) was to ensure that I was able to vote for something that was legally right and the A.G. for me today has confirmed that this can happen, so I will vote against it.

1.1.8 Senator L.J. Farnham:

I am not sure I subscribe to the confusion that Members are claiming from the last debate. If the papers were read properly, the ramifications of the vote was very clear. It is odd to hear propositions being brought in line with the States decision but not really being supported by the bringers of the proposition. I am not being critical of the P.P.C. in any way, shape or form but I remember being chastised myself on a number of occasions and recently in the recent debate on electoral reform where those of us that brought or considered amendments and tried to change the law after an in-principle States decision had been made were heavily criticised. Yet it seems to be okay to do that in this instance and I do not necessarily disagree with that because I think these debates and the law is there to be changed when we want to and when we need to and we can be faced with different facts or different opinions. I have always said I am prepared to change my mind when faced with compelling new facts and there is nothing wrong with that. This Assembly is at the heart of Island life. It is not the same as serving the Island in many great ways such as in the Honorary or States Police. Those roles and the roles of many like that are to enforce the laws and policies made by this Assembly. The role of States Members is to create policy and approve laws and debate appropriately and I think it is really important that States Members have a really good understanding of our Island and our culture of the people. It is true that this Assembly needs to be representative of the people of Jersey. I think it is more representative than I have ever seen and it is certainly moving in the right direction but we will not do ourselves any favours if we do not encourage people to show proper commitment to this Island in this sort of transient world that we live in. Well, not recently with COVID but I think post-COVID, people are going to want to travel and move. It is really, really important that the people that serve in this Assembly understand the Island, the cultures and the society they serve. Whether you can do that by being here 6 months or 2 years or 5 years is a matter for Members to decide for themselves. The recent electoral reform has removed the Island-wide mandate. I think it has been made in an argument that to stand a chance of election, you need to have had a profile in this Island but I think the new electoral system will change that. That remains to be seen so I think it probably is important at this that stage we stick with the decision that the States made and support the proposition today.

The Bailiff:

Thank you, Senator. Does any other Member wish to speak on then principles? A point of clarification, Senator Vallois, from the previous speaker?

Senator T.A. Vallois:

Yes, please, Sir.

The Bailiff:

What is your point of clarification?

Senator T.A. Vallois:

He made a point about commitment to the Island. He did not expand on that in particular. I would just like him to clarify what he means by “commitment to this Island”.

The Bailiff:

Are you prepared to clarify your meaning of that, Senator?

Senator L.J. Farnham:

Yes, absolutely, Sir, and that is a fair question. I meant by length of residency. Commitment to the Island is moving to the Island and putting some time in as a resident so residency.

The Bailiff:

Thank you very much indeed, Senator. Does any other Member wish to speak on the principles? If no other Member wishes to speak, then I close the debate and call upon Deputy Alves to respond.

1.1.9 Deputy C.S. Alves of St. Helier:

I thank Members for their contributions and the Attorney General for the various clarifications he gave. I just wanted to address a couple of things that were raised yesterday by Members. Regarding Senator Ferguson saying people who had only been here for 6 months are able to stand straightaway, this is incorrect. As the A.G. stated, under the current legislation, candidates need to have been resident for 6 months preceding the election in addition to completing 5 years at any time for an additional period or periods totally at least 5 years. Something else I also wanted to raise and I thought was important to note was something that the Deputy of St. Peter briefly mentioned. This change could disqualify current Members in this Assembly from standing for the election. For example, if a Member were here for 6 months before standing for the election last time, the current requirements are, if they stood again, that they would not be able to if these changes were adopted as they would fall short of completing the 5 years residency. Shortly after the debate on Deputy Tadier’s proposition, the indication that I and others on P.P.C. received from a number of Members who voted in favour was that there had been some confusion and mistakes were made when voting, as Members like Deputy Young, Higgins and Southern stated yesterday and today. We have heard the same from the Deputy of St. Martin and Deputy Le Hegarat. The Deputy of St. Peter is asking for a point of clarification, Sir.

The Bailiff:

Yes, Deputy of St. Peter, a point of clarification from the chair of P.P.C.?

The Deputy of St. Peter:

Yes, Sir. Can I just ask Deputy Alves to clarify that point because I think my point was I would not have been able to stand in 2018? But I most certainly would be able to if I stood now mainly because 4 years have elapsed and even under the previous rules, I would have needed 6 months or 2 years in order to be able to stand. Can she clarify that point and that is what she did mean to say because I do not believe that to be the case?

The Bailiff:

Are you able to clarify whether you were in fact saying that current Members could not now stand?

Deputy C.S. Alves:

Not directly referring to the Deputy of St. Peter, I said it is possible, if Members had only just fulfilled that 6 months, that they would not be able to stand under this new change.

The Bailiff:

Please do carry on, Deputy.

Deputy C.S. Alves:

I have to say that I am appalled by some of the insinuations from some Members yesterday that P.P.C. is being political or that I, as a chair, am using P.P.C. as a vehicle to project my own political views. I just want to make it clear that nowhere in the report or the speech did I or P.P.C. ask Members to vote against this proposal. We have simply stated the facts about the proposal and the consequences of adopting this law. This law will significantly restrict the number of people eligible to stand for election. This is fact and not opinion or political view. We have urged Members to consider carefully the consequences of this change. I am the chair of a committee with a mixture of Members on it. I would not have made the opening speech and the report would not have been published without a majority agreement in the committee and P.P.C. would not be doing its job if it did not make clear to Members the consequences of these proposals. The issues are clear and although the committee were not unanimous in its support, it was unanimous for the need for us to bring this back as our duty to the Assembly. To address Deputy Ash's contribution and a couple of others, it would not be appropriate to withdraw this now. Having a debate on policy position and the States fully supporting whether they knew or not what they were voting for gives Members the opportunity to have a second go when legislation comes forward. It does not mean that just because a Member may have voted for it in the first proposition that they have to vote for it in the legislation as they may have changed their mind. This is democracy. The fact is that this proposal was not thought through in this context as it was part of a deal to change the citizenship requirement. We think that the Assembly should express a view on this and if it is a "no" and somebody would like to have another go at it, they can do so. Otherwise, P.P.C. will be left in a difficult position of doing work which it does not agree with and with no clarity as to what that extra work will be. As always, I am in the hands of the Assembly and I maintain the principles and ask for the *appel*.

The Bailiff:

Thank you very much, Deputy. In which case, I ask the Greffier to put a link into the chat for voting. I open the voting and ask Members to vote. Any Members either online or in the Assembly who have not been able to register their votes, could those online please register them in the chat and those in the Assembly indicate their vote now? If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The principles have been defeated:

POUR: 17	CONTRE: 28	ABSTAIN: 0
Senator I.J. Gorst	Senator T.A. Vallois	
Senator L.J. Farnham	Senator K.L. Moore	
Senator S.C Ferguson	Senator S.W. Pallett	
Senator J.A.N. Le Fondré	Senator S.Y. Mézec	
Connétable of St. Lawrence	Connétable of St. Helier	
Connétable of St. Brelade	Connétable of St. Saviour	
Connétable of Trinity	Connétable of Grouville	
Deputy of Grouville	Connétable of St. Peter	
Deputy K.C. Lewis (S)	Connétable of St. Mary	
Deputy S.J. Pinel (C)	Connétable of St. Ouen	
Deputy S.M. Wickenden (H)	Connétable of St. Martin	
Deputy G.J. Truscott (B)	Connétable of St. John	
Deputy L.B.E. Ash (C)	Deputy J.A. Martin (H)	
Deputy K.F. Morel (L)	Deputy G.P. Southern (H)	
Deputy G.C.U. Guida (L)	Deputy M. Tadier (B)	

Deputy of St. Peter	Deputy M.R. Higgins (H)		
Deputy S.M. Ahier (H)	Deputy of St. Martin		
	Deputy of St. Ouen		
	Deputy L.M.C. Doublet (S)		
	Deputy R. Labey (H)		
	Deputy of St. Mary		
	Deputy J.H. Young (B)		
	Deputy of Trinity		
	Deputy of St. John		
	Deputy M.R. Le Hegarat (H)		
	Deputy R.J. Ward (H)		
	Deputy C.S. Alves (H)		
	Deputy K.G. Pamplin (S)		

2. Draft Legislation (Jersey) Law 202- (P.26/2021)

The Bailiff:

Because the principles have been defeated, the proposition generally in the draft is deemed to be withdrawn and we move on to the next item of Public Business which is the Draft Legislation (Jersey) Law, P.26, lodged the Privileges and Procedures Committee. For the purpose of the debate, the main respondent will be the chair of the Corporate Services Scrutiny Panel and I ask the Greffier to read the citation.

[10:30]

The Greffier of the States:

Draft Legislation (Jersey) Law 202-. The law to consolidate and supplement provisions about making commencements and repeal of legislation, to provide for the consolidation, revision and publication of legislation, to make provision about the legislative drafting office to amend and repeal certain other legislation and for connected purposes. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following law.

2.1 Deputy C.S. Alves (Chair, Privileges and Procedures Committee):

The Draft Legislation (Jersey) Law may not immediately grab people around the Chamber as the most important or exciting piece of legislation we have ever debated. It is legislation about legislation but it underpins a fundamental feature of democracy that every citizen should be able to know the law of the land so that they do not unwittingly fall foul of it, they know how to benefit from it and they are protected by it. This law is primarily about access to the law, a fundamental right of the citizen that underpins the integrity of all other legislation that we pass and a right that echoes in the minds of the corn riots enshrined in the Code of 1771 which we are celebrating this year. One complaint of the corn riots was that the Royal Court and the Lieutenant Bailiff were enacting laws without publishing them, so people could not know how to avoid breaking the law. The 1771 Code, for the first time, gathered together all legislation, then enforced into a single document and established this Assembly as the law-making body for the Island instead of the Royal Court. Fast forward to 2003 for the next major piece of legislation about legislation, the Law Revision (Jersey) Law enabled our laws to be compiled with all current amendments added to the text or consolidated which is the term normally used. In fact, that law went further. It setup a body called the Law Revision Board which includes 2 Members of this Assembly. The board can make a limited number of changes to correct errors and improve the presentation of the statute book such as renumbering, moving provisions around and other improvements that stops short of changing the meaning of

enacted legislation. In 2004, the first revised edition of the laws of Jersey was produced using these powers. It was published both in print and on a website hosted by the Jersey Legal Information Board. The revised edition was updated once a year. That was a huge leap forward at the time but now the gold standard is to make the law available as it is today and not as it was last year. Technology has moved on apace since then and the J.L.I.B. website is now where people go to find the current state of the law. For the past 2 years, a “current law” section of the website has presented a constantly updated version of the whole of the Jersey statute book but, at the moment, this section is not official in the way the revised edition was. If the Assembly passed this law, the current version will become official so it can be cited and used in court. The legislation editor and her team in the legislative drafting office work hard to prepare consolidations every time there is a change in the law. This change will enable the public and lawyers alike to use our legislation knowing that the version on the website reflects the current state of the law and can be used in court. This is a huge step forward in maintaining Jersey at the forefront internationally in offering up-to-date access to our legislation. Part 3 of the draft law underpins this consolidation work but the law also makes other improvements. Currently several different laws contain various provisions about making, amending and repealing Jersey legislation. Part 2 of the law brings them together with a few additions and improvements. Part 4 is about the legislative drafting office; the first time that name is used in legislation. It is no longer called the Law Draftsman’s Office. The office does not belong to a law draftsman. It is an office of both lawyers specialising in drafting legislation and trained legislation editors. By the way, they are almost all women. It is not part of the Law Officers’ Department but a distinct unit within the States Greffe. Its function is to serve all drafting needs, both for the Government and for committees, Scrutiny Panels and individual Members. The new provisions impose obligations regarding the drafting, consolidation and publication of legislation on the head of the office. That person is now titled the principle legislative drafter. In recent weeks, the office has received some attention in the media concerning delays in bringing forward new legislation. Something that has recently been confirmed was not due to any lack of drafting resources or resulting delays in drafting. There are many people involved in the process of turning policy into draft legislation that is fit to be brought to this Assembly or signed by a Minister. The drafting stage is just one part, though a hugely important part. This law rightly enshrines in statute the expectations and trust we place on the L.O.D. (Law Officers’ Department) in drafting legislation and making legislation readily available. I understand that moves may be afoot to restore the legislation programme so that Members will be able to see the legislative priorities and the state of play of the various programme items. That should show whether any particular item is awaiting the preparation of drafting instructions, is being worked on by the drafter, back with the department for review or to go out to consultation. In the interests of transparency, the legislative drafting office is happy for its functions, its workload and its performance to be subject to Scrutiny. The drafters and editorial staff are proud of their achievements, particularly in drafting both for and during the pandemic. Indeed, without the current system of consolidating all legislation as soon as changes are made, it would not be possible for anyone to go on to the website and see the current COVID restrictions as they apply that day. With a number of these provisions attracting criminal penalties, this is not just an improvement but an essential improvement. It is something that I will now ask you to give legal authority to as the authentic version of the law. It is a rare thing for the legislative drafting office to be drafting legislation about its own work with the backing of P.P.C. of course. The principle legislative drafter asked me to state that this law was progressed only when other work was not delayed as a result. I commend this law to Members and I propose the principles of the draft law.

The Bailiff:

Thank you, Deputy. Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles?

2.1.1 Deputy K.F. Morel of St. Lawrence:

Like many people, I would like to thank the law drafters for their hard work and I would also like to thank the Jersey Legal Information Board for the work they do in keeping the website updated. I find it invaluable. I do, however, have concerns and it is not so much about the legislation but the practical implementation of that legislation and that is the issue with making the law as shown on the website official brings in issues of security. Should that website be changed by an external person, while it would be against the law, it would also pose problems for people who happen to be reading the law that had been hacked or amended by a third party maliciously. Maybe I have not read the law closely enough but the website itself places P.D.F.s (Portable Document Format) on the website as well as the H.T.M.L. (HyperText Markup Language) pages and I am not sure whether the law distinguishes as to which is the official version or not. This is one of the problems that we have with something updated on a website is that it then becomes prone to security issues and we have that issue with Hansard in not knowing what the most recent version is. I would really appreciate the chair of P.P.C. helping me understand what security measures have been taken and will continue to be taken to ensure that any reader knows that that is an unhacked entirely secure version of the law. Also, if she could respond to whether it is the P.D.F. or the webpage which is the official version, that would be very helpful.

2.1.2 Senator K.L. Moore:

I simply wish to share with the Assembly today that the Corporate Services Scrutiny Panel has given some brief consideration to this law and we were in favour and felt that it was a good sense of progress. Saying so, I have to say that we had not taken into account the thoughts of Deputy Morel and, therefore, I thank him for raising the point in relation to security and look forward to hearing the response from the chair of P.P.C.

2.1.3 Deputy D. Johnson of St. Mary:

I speak as a member of the Law Revision Board to which I was elected to shortly after I became a States Member and I just simply wish to note that that board is continuing its services. We have previously had, I think it is fair to say, annual meetings so it is not an onerous task to deal with the various small points set out in schedule 1. It is a valuable service and I think that last year, because of COVID, we may not have had that meeting but following the passing of this law, which I am sure will be, I look forward to being summoned to go through the various alterations for our attention this year.

2.1.4 Deputy J.H. Young of St. Brelade:

I want to speak also in praise of this proposal. I think the law officers and the drafting of laws is a crucial resource for the whole of government and it is absolutely right that we can have consolidated versions of laws available to the public. I certainly know that during my time working in our sister island in Alderney, I had to refer to the Guernsey legal resource site constantly where there are consolidated versions. Of course they have a more complicated situation because they have not just Guernsey. They have Bailiwick legislation, they have Guernsey, they have Alderney and they have Sark, and I think it really is a crucial resource. This year, when we have had so many law changes on, for example, COVID and others, it is really difficult to try to keep track of where we are. Otherwise, it means a trail through all the various amendments trying to work it out. I think it is a great move. I am really pleased that we have the publication now and the restoration of the programme of legislation. I think our law officers have been fantastic and I myself have made mistakes. For example, I have, at times, felt that there are important laws that I sought and it was not clear where the key points were in the critical paths which determine the length of time to get these things done. I think my comments were misinterpreted as under-resourcing in the law offices and I have withdrawn that and made it clear that was not correct. Clearly, there are so many other things that can happen. Drafting instructions are missing, drafting instructions are not quite right and the law officers have queries that need to be resolved that require a political input. Then you have the corporate side with all the machinations of what programmes can go into the corporate plan and so on which we have saddled ourselves in recent years which, frankly, I find is an overhead we could

do without. I am really pleased that we have this new arrangement to help clarify and Members can go forward. I am not au fait with the detail but just to reassure Deputy Morel, if one takes the Guernsey legal resource website as a model, they rely on P.D.F. files. I think what we have is the extra luxury of an H.T.M.L. index version and I think, frankly, we might even have both but I would have thought that is technically solvable.

The Bailiff:

Thank you very much, Deputy. To clarify for Members, in case there is any confusion and there may well not be, the Law Drafters Office is not the same as the Law Officers' Department. They are not connected. The Law Officers' Department does not control the Law Draftsman's Office. It is an independent office under the States Greffe just in case there was any confusion about that.

Deputy J.H. Young:

Sorry, Sir. I accept the correction. I was loose in my terminology and apologies for that. Sir.

[10:45]

2.1.5 The Deputy of St. Ouen:

May I likewise commend all those who have worked in bringing forward this proposition and, indeed, over recent years on the online resource that is available to us now. Having our legislation online and consolidated in this way has been a huge assistance to the courts, to lawyers, to us as States Members but I think more importantly to the public. The laws that govern them, the laws that are made in this Island are available, are very accessible and comprehensible and there is great help on the website explaining how to navigate the pages and that is a huge advance. I well remember, as you will, Sir, as young lawyers before this online facility was available, trying to put together a consolidated version of a law that had been amended several times and ending up with several little bits of paper flapping about trying to take them into a master copy; wholly unacceptable and difficult for all to work. This has been a magnificent advance for the Island and for all who need to work with the law. Jersey is seen as a leading jurisdiction in this area of public engagement with its laws. I believe other jurisdictions have sought advice from the Jersey Legal Information Board and have sought to emulate our excellent website and facilities we have here. I will certainly support this proposition and with it and thank P.P.C. and all who have been involved in bringing forward our legislation in this way.

2.1.6 Deputy M.R. Higgins:

I will be brief but I am fully supportive of this law and the work of the Jersey Legal Information Board and the law drafters. A number of years ago I brought a proposition to the States regarding laws that were in French being translated into English. Although I lost the proposition in the States, the former Bailiff at the time instructed the Law Officers' Department to provide an advocate who did unofficial translations and together with lawyers did come up with translations of the laws that are now on this website. When I brought the proposition the main point I was making was it was absolutely essential that the citizens of this Island know what the law is. How can we hold people responsible for laws when they are not accessible to them? This website and the translations has made that so. It also makes us very much in compliance with the European Court on Human Rights, which has got substantial case law on this. Yes, I will support this. I wish they will continue to translate some of the legislations in French. There are still many of them that need revising, although I know that the main ones to do with criminal justice have now been done. Again, some of them we may have to look at whether some of these laws are really suitable in this day and age. I think, if I remember correctly, the Code of 1771, for example, was talking about the mob and trying to deal with the mob attacking the Magistrates. I will leave it at that but fully supportive of the proposition.

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

I am fortunate enough, under one of my many hats, to sit on the Jersey Legal Information Board under your excellent chairmanship, Sir. I want to just say how hard working all of the members of that committee are. There is a lot of work coming forward that is about trying to make sure that everything is up to date on the website, that it is clear, that it is easy to navigate. We are also doing some projects working on how to make sure children can have resources to find out what their rights are and laws are. I just wanted to kind of stand up while we were dealing with this because it is part of what the Jersey Legal Information Board is about and give my appreciation to the hardworking team that is on there.

The Bailiff:

Thank you, Deputy. Does any other Member wish to speak on the principles? If no other Member wishes to speak on the principles, then I close the debate and call upon Deputy Alves to respond.

2.1.8 Deputy C.S. Alves:

I want to thank Members for their contributions. Deputy Morel raised a very good point, I think. The revised edition on the website is already the official version. The P.D.F.s are generated from the H.T.M.L., so it is automatically updated when the H.T.M.L. is updated, so they would always be exactly the same. There was a question regarding cybersecurity and being hacked. The current website is managed and run in the same way as the Government of Jersey servers, so the same security as the Government services apply to this website. I think that was all the queries that I noted down.

The Bailiff:

Thank you very much, Deputy. I ask the Greffier to put a vote into the link. The vote is on the principles of the legislation. The vote is there, I open the voting and ask Members to vote. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The principles have been adopted:

POUR: 42	CONTRE: 0	ABSTAIN: 0
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator S.C Ferguson		
Senator J.A.N. Le Fondré		
Senator T.A. Vallois		
Senator K.L. Moore		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Lawrence		
Connétable of St. Saviour		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Ouen		
Connétable of St. Martin		
Connétable of St. John		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy K.C. Lewis (S)		

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

The Bailiff:

Does your panel wish to call the matter in, Senator Moore?

Senator K.L. Moore (Chair, Corporate Services Scrutiny Panel):

No, thank you, Sir.

The Bailiff:

Thank you very much. How do you wish to propose the Articles in Second Reading, Deputy?

2.2 Deputy C.S. Alves:

As explained, the draft law will bring together existing provisions and supplement them with additions and improvements. The law is divided into 5 parts; part 1 is introductory. Part 2 covers how legislation is made and brought into force and repealed. Part 3 covers how legislation is consolidated, revised and published. It also introduces schedule 1, which lists powers of revision. Part 4 covers the Legislative Drafting Office and the functions of the principal legislative drafter. Part 5 contains the closing provisions and introduces schedules 2 and 3, which amend other laws. I intend to move each part with any schedule relevant to it *en bloc*, please.

The Bailiff:

Yes, so you are looking to move all of the Articles *en bloc*, together with the schedules.

Deputy C.S. Alves:

The parts, yes, so ...

The Bailiff:

Sorry, do you wish to deal with it part by part or do you wish to deal with it in the entire Articles?

Deputy C.S. Alves:

Part by part, please, Sir.

The Bailiff:

Very well. You wish to deal with part 1 and there are no schedules associated with part 1. Is part 1 seconded? **[Seconded]** Does any Member wish to speak on the Articles in part 1 of the draft legislation? That simply asked for one of the drafts.

Deputy C.S. Alves:

That is right, Sir.

The Bailiff:

If no Member wishes to speak, then I close the debate and ask the Greffier to post a link on part 1 into the chat and I open the voting and ask Members to vote. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The Article in part 1 has been adopted:

POUR: 41	CONTRE: 0	ABSTAIN: 0
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator S.C Ferguson		
Senator J.A.N. Le Fondré		
Senator T.A. Vallois		
Senator K.L. Moore		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Lawrence		
Connétable of St. Saviour		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of Trinity		
Connétable of St. Ouen		
Connétable of St. Martin		
Connétable of St. John		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M.R. Higgins (H)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		
Deputy R. Labey (H)		
Deputy S.M. Wickenden (H)		

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

The Bailiff:

Do you propose part 2?

2.3 Deputy C.S. Alves:

Yes, please, Sir. Part 2 is titled “Making, amending and repealing Jersey legislation”. Just to give some detail around each Article; Article 2 describes how Jersey legislation is made. It continues to allow budget laws to be treated as laws before they receive Royal Assent. It allows the Assembly to make regulations to change the procedure from making subordinate legislation as future-proofing for new technology like electronic signatures. Article 3 covers how legislation is brought into force. It removes an existing problem with legislation coming into force retrospectively at the start of a day, even though it is not made until later that day. The Article also adds an express power for the Assembly to allow regulations to be brought into force by order. Article 4 absorbs a provision from the Interpretation Law 1954 to prepare for a law coming into force. This Article allows regulations and orders to be made, bodies established, people appointed, consultations held and so on. Article 5 absorbs other provisions from the Interpretation Law. They deal with the effect of legislation being repealed or expiring. Article 6 is another provision from the Interpretation Law. It enables references to repealed legislation to be read as referring to the legislation as re-enacted. Article 7 is a clarifying provision; it ensures that if a law amends subordinate legislation, then that subordinate legislation can still be amended afterwards by other subordinate legislation. Article 8 absorbs and clarifies the Legislation (Amending Powers) (Jersey) Law 1999, it allows regulations to amend laws when there is an overlap between the lodging and making of 2 laws. Article 9 absorbs and improves more provisions from the Interpretation Law dealing with subordinate legislation. The improvements include ensuring repeals can be brought into force in stages. The Article also avoids having to repeat powers to make incidental, supplemental and consequential amendments. It also ensures subordinate legislation is treated as being made under all the available powers. Article 10 is new, it allows the Assembly to make regulations to enable subordinate legislation to incorporate documents of a technical nature, which are accessible to the public. For example, this could include British or international safety standards, technical guidance on health and safety, construction and use of vehicles, shipping matters or guidance on the use of pesticides. Article 11 absorbs and expands on the Subordinate Legislation (Jersey) Law 1960. The Assembly can annul orders and other subordinate legislation not made by the Assembly but currently there is no time limit on that power, which can cause unintended effects if the legislation has been amended or relied on in other legislation. This Article sets a window for annulling the legislation, so it must be done in the next 3 sittings after the legislation is laid before the Assembly. After the window closes, a Member unhappy

with an order can still bring a proposition requesting the relevant Minister to repeal it and make necessary amendments. I would like to propose a vote *en bloc* for those, please.

The Bailiff:

Then is part 2 of Articles 2 to 11 seconded? [**Seconded**] Deputy Young, you have a question for the Attorney General and then you wish to speak.

Deputy J.H. Young:

Yes. I think the proposer probably touched upon my question on Article 11. I wanted to have clarified or explained perhaps by the Attorney General that the legislation does not in any way prevent any Member bringing forward a proposition to the States to annul an order which has been made by a Minister.

[11:00]

I wonder if that could be just clarified because obviously I think that is an important provision, which my understanding is that I think that provision is still there. I am not sure if it is made under Standing Orders or made under this law. But I would, if it is possible, to have that explained either by the proposer or the Attorney General and I would be grateful.

The Bailiff:

I mean the fact is I think this is a procedural matter. Members can bring a proposition asking that the law be changed and annulled and that the relevant Minister bring draft legislation back before the Assembly. I do not see anything in it that would alter that, Deputy, if that assists you.

Deputy J.H. Young:

No. Sir, if I may come back. My understanding and in fact when I signed Ministerial Orders I would always do so in the belief that Members can challenge that subordinate legislation by bringing a proposition, which would then both hold that order back and in effect then allow the States to vote to either confirm or otherwise; that is my understanding. Maybe that was not correct but that is what I was making; once the order has been made the opportunity for Members to put a proposition to set it aside.

The Bailiff:

Which Article are you looking at in particular, Deputy?

Deputy J.H. Young:

I will be frank, I am not clear. I think it came under Article 11 because the proposer spoke about Jersey subordinate legislation, which is clearly the orders. I am happy to leave that question for later if you wish, Sir, if it is a problem.

The Bailiff:

You originally proposed it, I suppose this is a question for the Attorney General. I thought it to be purely procedural but it may not be purely procedural. Mr. Attorney, are you able to assist?

The Attorney General:

I believe so. Sir, I agree with your interpretation when you gave guidance concerning procedural matters. The power that I think the Deputy is questioning is the power in draft Article 11, the States power to annul Jersey's subordinate legislation not made by the States. Article 11(1) provides that if there is subordinate legislation, such as a Ministerial Order, then that must be laid before the States as soon as practical after it is made and that is in accordance with the current procedure under the Subordinate Legislation (Jersey) Law as things currently stand. But then what is different is that if after no later than 3 sittings of the Assembly after the date on which it is laid, then if the States resolve that it be annulled then it ceases to have effect. The difference is the inclusion of the reference to the

3 sittings of the States, which provide the opportunity for the States to recall that legislation and for it to cease to have effect if there is a resolution of the Assembly to that effect. But in my view that, with one qualification, does not affect the ability of a Member to ask for subordinate legislation, such as a Ministerial Order to be debated by the States Assembly subsequently because there is no clear rule against doing that. The one qualification that I would mention is in Article 11(3) which seems to me to be intended to exclude subordinate legislation, which deals with the commencement of a piece of legislation such as a primary law. If, for example, a Ministerial Order deals with commencement of that legislation, then it seems to me that Article 11(3) excludes the ability for a Member of the States to bring that Ministerial Order bringing into effect and commencing legislation after 3 sittings of the States Assembly had passed. In my view, that is appropriate and provides for certainty because it would be unfortunate if perhaps years down the line a Member of the States seeks to bring back a ministerial order, which commences legislation or commences the effect of bringing into effect the legislation years down the line, then that would be unfortunate. I can quite see why that has been carved out from the current procedure by Article 11(3). In summary, the only difference to the current situation appears to me to be Article 11(3), which deals with the commencement of legislation. I hope that assists.

The Bailiff:

Does that assist you, Deputy?

Deputy J.H. Young:

Thank you. Thank you for a very full answer, it really is very helpful. Can I just make sure I understood, please, correctly 11(4)? There is now restriction that rescindment motion on an order has to be brought within 3 sittings of the States. Can I just check that at the moment there is no such provision, that Members can bring that? This now means it has to be done within the 3 sittings.

The Bailiff:

Simply to comment upon the wording, this appears to me to simply say that to the extent that there is Jersey subordinate legislation that was made before the commencement of this part of the law, then when this law commences any rescindment of it must be brought within 3 sittings. In other words, it is simply saying you take 3 sittings as dating from the commencement of this law and not from the lodging of any subordinate legislation made before the commencement. Does that assist?

Deputy J.H. Young:

I think I have got it, Sir, thank you.

The Bailiff:

Thank you very much. Did you wish to speak then, Deputy?

Deputy J.H. Young:

No, I am going to leave it at that, Sir. I think I have got clarification. My anxiety and why I raise it is that I do think there is a case where I think historically there will be old Ministerial Orders that, potentially, are out of date and circumstances do arise when that is painfully obvious. At the moment my understanding was that Members do have the right to bring that to the States if there is an order that is a problem and have it varied. But it may be that that is no longer the case, in which case the Ministers will just have to be more on the ball at keeping the orders up to date.

The Bailiff:

I think there is nothing to prevent a Member of the Assembly bringing a proposition to the Assembly asking the Minister to change a current order. But that is not a rescindment of the current order, that is asking the Minister to do it and I think that can be brought at any time if it is out of date.

Deputy J.H. Young:

Thank you, Sir, for that point.

2.3.1 Deputy S.M. Wickenden:

I think it is important to say that Ministerial Orders fall under the Subordinate Legislation (Jersey) Law 1960, which is a different law. There still are the rules that set out that after any Ministerial Decision is publicised, so it has to be publicised online, then there is a 15-day period where it is no longer enacted and to allow States Members to bring in a proposition. If they do bring in a proposition against that subordinate legislation, then that legislation gets halted even further until the debate has happened to see if it has been repealed. I think that is my understanding and maybe Deputy Alves will be able to clarify that or not but I am pretty sure, just trying to help out, that that is what it is at the moment.

2.3.2 Deputy R.J. Ward:

What I was going to just ask: it is 3 sittings of the States Assembly for a rescindment and I understand that. That is a very different period of time if we have 3-week sittings or 2-week sittings, particularly with breaks in the summer. I just want to confirm it is a sitting. Is that the beginning of the sitting and this may sound a little pedantic but I think it is quite important if you ever do want to rescind something because you can miss it? Is the sitting in terms of the beginning part of the sitting, i.e. when you constitute the sitting and 3 sittings later on, on that point? Because I think it is just clarity for people in terms of the timespan they have available if one does want to rescind a Ministerial Order. I also hope that those Ministerial Orders are more transparent now because of this change and I absolutely welcome that because that is very much needed, rather than having to subscribe to an email to Jersey Law site every day and check them, as I do; just that detail.

The Bailiff:

I think 11(1) is, I think, tolerably clear inasmuch as any rescindment motion must be laid before the States as soon as practicable and if the States sitting within 3 months deals with it. If, for example, a rescindment motion was lodged within a week, then the States could annul it within 3 sittings.

Deputy R.J. Ward:

Thank you, Sir.

The Bailiff:

Does any other Member wish to speak on this part of the Articles in Second Reading? If no other Member wishes to speak, then I close the debate and call upon Deputy Alves to respond.

2.3.3 Deputy C.S. Alves:

I am just going to thank Members for their contributions and the clarifications. Deputy Wickenden's comment about orders being delayed for 15 days, currently they come into force and then get annulled later. A Minister responsible will normally not act on an order once there was a proposition for debate to annul it but that is down to the Minister concerned and it is not always possible. I am just going to provide a little bit of background around this Article. Article 11 would incorporate an existing provision contained in the Subordinate Legislation (Jersey) Law 1960, which requires secondary legislation not made by the States to be laid before the States and enables the States to resolve that it be annulled. Judging by other jurisdictions, it is unusual for this power to be totally open ended. This Article is a slightly amended version on the current provision. It limits the window to annul the legislation to the next 3 sittings. To have a provision enabling legislation to be annulled after it has been on the statute book for any number of years contrasts with, for example, the Westminster provision whereby Parliament has only 40 sitting days to annul statutory instruments laid before it. Of course, as it has been stated already, if Members are unhappy with the provisions of an order, they are still able to at a later date bring forward a proposition inviting the relevant Minister to repeal or amend it.

The Bailiff:

Thank you very much indeed. I ask the Greffier to put a voting link into the chat. The vote is on part 2 and I open the voting and ask Members to vote.

[11:15]

If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. Part 2 has been adopted:

POUR: 43		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				

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

The Bailiff:

Do you propose part 3?

2.4 Deputy C.S. Alves:

Yes, please. Part 3 is entitled “Consolidation, revision and publication of legislation”. I move that with schedule 1. Article 12 introduces the various categories of legislation, “as-enacted legislation” is the original text, including as it is first published. Consolidated legislation is a version in which all current amendments are incorporated to show the legislation as it is in force on a given date. Revised legislation, which I shall come on to in a moment, is a type of consolidated legislation. Article 13 requires the principal legislative drafter to produce consolidated versions. Article 14 sets out the editorial changes that can be made in consolidating legislation, they include the removal of commencement and spent provisions and the correction of obvious errors in typography, such as grammar, spelling, punctuation, numbering, cross-referencing or alphabetical ordering. They also include correcting errors from previous consolidations and adjusting punctuation and formatting or other presentational features. This Article strikes a balance in enabling minor and routine corrections to be made editorial, while keeping proper checks and balances for significant changes to the text of legislation. The intent is to act with caution. It is fundamental that these changes are incapable of altering the legal effect of the legislation. The Legislative Drafting Office has been making these editorial changes in the unofficial consolidated versions for 2 years now and has not had any problems. Article 15 continues the Law Revision Board, which was established under the Law Revision Law. Schedule 1 sets out powers available for the board to revise legislation. These powers are reproduced from the Law Revision Law. The changes made by a revision have effect as if made by amendment and the minutes of the board must be laid before the States within 2 months. The board used to produce a full revised edition each year 12 to 15 months in arrears but Article 14 will mean that editorial consolidations can be made straightaway and be treated as official. The plan is generally to use the board’s wider revision powers only on an *ad hoc* basis to revise individual pieces of legislation as and when needed. Article 16 requires the principal legislative drafter to publish legislation; as-enacted legislation must be published as soon as practicable after it is made. The last revised edition was to 1st January 2019, so consolidated legislation prepared after that date must also be published as soon as practicable. This removes the need for separate notice in the online *Jersey Gazette*. The Jersey Law website is a more obvious place to look for legislation changes with an option to subscribe to email updates. Article 17 achieves the aim I stated at the beginning of this debate, namely the creation of an official version of consolidated legislation or as-enacted legislation, an official version. Consolidated legislation is an official version if it contains a statement to that effect. In both cases the official version must be from a website where it is displayed under the authority of the principal legislative drafter or in a printed copy issued by or on behalf of the principal legislative drafter. An official version can be used in court and is taken to set out the legislation in its current form. If it is consolidated then it is taken to be correct, unless the contrary is shown. Article 18 provides the States to make Statutory Law Revision Regulations. Those regulations can clarify ambiguities and reconcile inconsistencies to enable corrections to be made without need to use a law and obtain Royal Assent. No amendment may be lodged to a proposition containing the

regulations if the Bailiff considers that it would go beyond these powers. Other jurisdictions commonly use these Statute Law Revision Bills to make corrections to legislation; that is the inspiration for this new power. In summary, there are 3 levels of changes that may be made to legislation; the minor editorial changes under powers given to the principal legislative drafter, the continued law revision powers of the board and the new power given to the States to make changes to the law to correct ambiguity or inconsistencies.

The Bailiff:

Are Articles 12 to 18 and schedule 1 seconded? **[Seconded]** Does any Member wish to speak on those Articles or that schedule? If no Member wishes to speak, then I ask the Greffier to place a voting link into the chat and I open the voting and ask Members to vote. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. Part 3 has been adopted:

POUR: 40		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				

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

The Bailiff:

Do you propose part 4, Deputy?

2.5 Deputy C.S. Alves:

Yes, please. Part 4 is entitled “Legislative Drafting Office”. Article 19 continues the Law Draftsman’s Office as the Legislative Drafting Office. The law draftsman is renamed as the principal legislative drafter. The office is to have the objective of producing high-quality legislation that can be easily understood and is readily accessible to all. The principal legislative drafter is responsible to the Greffier of the States for his or her functions but not in relation to current drafting practice. A legislative drafter must have passed the assessments for barristers or solicitors in England and Wales that have formed part of the requirements for admittance as a Jersey advocate. Alternatively, he or she must have passed assessments that the principal legislative drafter considers are equivalent in Ireland or a Commonwealth country. The enshrining of current arrangements in legislation is not intended to remove flexibility, so the requirements can be amended by regulations. Article 20 sets out the functions of the principal legislative drafter. He or she is responsible for the drafting of all Jersey legislation, preparing consolidated and draft revised legislation, advising the Greffier of the States on the drafting of Standing Orders, arranging the publication of legislation and of current drafting practice and promoting access to legislation. The publication and access function is intended to lead to further refinements, an example is access to legislation on given dates in the past, which would be a useful tool for legal practitioners and other users of legislation. A recent amendment to the States of Jersey Law passed by the Assembly means Standing Orders will no longer be treated as legislation. The Greffier and his senior staff are experts in the operation of the Standing Orders. The Legislative Drafting Office will continue to make itself available to advise on that drafting instead of drafting them. Article 21 enables the principal legislative drafter to delegate his or her functions. There is a deputy head of the office to whom functions could be delegated to cover absences. Specific functions can be delegated as necessary, such as work of producing consolidated legislation and publishing it to the website; that naturally evolves on to the legislation editor. Article 22 gives legal professional privilege to confidential communication between a drafter and a person providing instructions. This gives the same protection from disclosure as for legal advice. It also covers drafts of legislation. It applies to States Members using the services of the Legislative Drafting Office in the same way as to policy of officials in departments. Article 23 enables the Assembly to amend part 4 by regulation. We consider this provision necessary to allow for future changes in the structure, reporting lines and functions of the Legislative Drafting Office.

The Bailiff:

Thank you very much indeed. That part of the law, is it seconded? **[Seconded]** Does any Member wish to speak on this part 4 of the law? If no Member wishes to speak, then I close any debate and invite the Greffier to place a vote into the link. I open the voting and ask Members to vote. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. Part 4 of the legislation has been adopted in Second Reading:

POUR: 43	CONTRE: 0	ABSTAIN: 0
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Senator I.J. Gorst			
Senator L.J. Farnham			
Senator S.C Ferguson			
Senator J.A.N. Le Fondré			
Senator T.A. Vallois			
Senator K.L. Moore			
Senator S.W. Pallett			
Senator S.Y. Mézec			
Connétable of St. Helier			
Connétable of St. Lawrence			
Connétable of St. Saviour			
Connétable of St. Brelade			
Connétable of Grouville			
Connétable of Trinity			
Connétable of St. Mary			
Connétable of St. Ouen			
Connétable of St. Martin			
Connétable of St. John			
Deputy J.A. Martin (H)			
Deputy G.P. Southern (H)			
Deputy K.C. Lewis (S)			
Deputy M.R. Higgins (H)			
Deputy S.J. Pinel (C)			
Deputy of St. Martin			
Deputy of St. Ouen			
Deputy L.M.C. Doublet (S)			
Deputy R. Labey (H)			
Deputy S.M. Wickenden (H)			
Deputy of St. Mary			
Deputy G.J. Truscott (B)			
Deputy J.H. Young (B)			
Deputy L.B.E. Ash (C)			
Deputy K.F. Morel (L)			
Deputy G.C.U. Guida (L)			
Deputy of St. Peter			
Deputy of Trinity			
Deputy of St. John			
Deputy M.R. Le Hegarat (H)			
Deputy S.M. Ahier (H)			
Deputy R.J. Ward (H)			
Deputy C.S. Alves (H)			
Deputy K.G. Pamplin (S)			
Deputy I. Gardiner (H)			

The Bailiff:

Do you move part 5, Deputy?

2.6 Deputy C.S. Alves:

Yes, please. Part 5 is entitled “Closing provisions” and I would like to move it with schedules 2 and 3. This part contains Articles 24 and 25, which just introduce schedules 2 and 3. I have already described schedule 1 in connection with part 3 for the powers to revise legislation. Part 5 also contains Article 26, which gives the name of this law. Article 26 also enables the Assembly to bring the law into force by passing an Act to specify a date which will be when the Jersey Law website is ready to go live with consolidated legislation labelled as official. Schedule 2 contains consequential and miscellaneous amendments to other Jersey legislation. These changes include updating the provision that gave the Assembly copyright in Jersey legislation. There are changes to the Interpretation Law. Some delete provisions that have been moved into the new draft law, one change inserts a new provision which can be used for powers to appoint people. It would save repeating provisions about terms of appointment, about removal, suspension, reappointment, reinstatement and about vacancy, absent or incapacity. It is based on recent Scottish and New Zealand legislation. Any particular law can still make any different provision if that is wanted. Changes to other laws include deleted provisions are no longer considered to be needed, such as the requirement to publish in the *Jersey Gazette*. Some reflects the change of title of the principal legislative drafter. There are also various changes to the States of Jersey Law 2005 relating to how Ministers are given new titles and how functions are transferred between them.

[11:30]

The largest changes are to avoid having to repeat the effects of the transfer in each transfer of functions order. Another change clarifies that the Chief Minister must present a written report 14 days before making a transfer of functions order. The Chief Minister is also given a time-limited power to tidy up the statute book by consolidating previous transfer regulations and order. Schedule 3 contains repeals and some consequential amendments following these repeals. Four old French laws are repealed because they do not have any practical effect in Jersey today. The other repeals are of laws which are replaced by this new law.

The Bailiff:

Thank you very much indeed. Is part 5 seconded? **[Seconded]** Does any Member wish to speak on part 5 of the legislation? If no Member wishes to speak, then I close any debate and ask the Greffier to post a voting link into the chat. I open the voting and ask Members to vote. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. Part 5 has been adopted:

POUR: 43	CONTRE: 0	ABSTAIN: 0
Senator I.J. Gorst		
Senator S.C Ferguson		
Senator J.A.N. Le Fondré		
Senator T.A. Vallois		
Senator K.L. Moore		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Lawrence		
Connétable of St. Saviour		
Connétable of St. Brelade		

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

The Bailiff:

Do you propose the legislation into Third Reading, Deputy?

2.7 Deputy C.S. Alves:

Yes, please. Before I ask the Assembly to adopt the draft law in Third Reading, I would like to extend my thanks to Members for their support and contributions during the debate. The Legislative Drafting Office also asked me to thank the Attorney General and the members of Civil Division of the Law Drafters Office for their assistance at various stages, as well as thanking members of the Jersey Legal Information Board, who encouraged the development of this law. In turn, I would like to thank the various members of the Legislative Drafting Office, past and present, who helped shape the detail of this law. They have shown a determination to better serve the public by pushing up-to-date legislation available and to enshrine a duty to do so in this law. 250 years after the Code of 1771

we are taking to a whole new level the desires of those who first pressed for reforms in relation to access the law. I move the draft law in Third Reading.

The Bailiff:

Thank you very much, Deputy. Is the law seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading?

2.7.1 Deputy J.H. Young:

I think it would be remiss if we did not thank the chairman of P.P.C. because I think this is a very complex subject. We have had it explained to us very comprehensively and thoroughly and very efficiently this law, so I would like to record my thanks for that because I certainly think is a very, very important law and I think we have done it justice today.

The Bailiff:

Does any other Member wish to speak in Third Reading? If no other Member wishes to speak, I close the debate and call upon Deputy Alves to respond.

2.7.2 Deputy C.S. Alves:

Thank you to Deputy Young. It is a very complex piece of legislation and I hope I have made it more accessible to Members. I maintain the vote. May I ask for the *appel*, please?

The Bailiff:

Indeed. I ask the Greffier to place a voting link in the chat and I open the voting and ask Members to vote. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The law has been adopted in Third Reading:

POUR: 43	CONTRE: 0	ABSTAIN: 0
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator S.C Ferguson		
Senator J.A.N. Le Fondré		
Senator T.A. Vallois		
Senator K.L. Moore		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Lawrence		
Connétable of St. Saviour		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of St. Peter		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Connétable of St. John		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy K.C. Lewis (S)		
Deputy M.R. Higgins (H)		

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

3. Pedestrian-priority in Broad Street, St. Helier (P.28/2021)

The Bailiff:

The next item is Pedestrian-priority in Broad Street, St. Helier, P.28, lodged by the Connétable of St. Helier. There are 2 amendments, the first lodged by Deputy Gardiner and the second by the Minister for Infrastructure. Connétable, are you able to indicate whether you are prepared to accept the amendments? I think if you accept the amendment of Deputy Gardiner and the amendment of the Minister, part (c), I think, of the Minister’s amendment would fall away automatically. Do you have a view on this, Connétable?

Connétable A.S. Crowcroft of St. Helier:

Yes, I would like to accept both amendments, thank you, Sir.

The Bailiff:

Thank you for that indication. The proposition can be read as amended in that way, unless Members object. I see there is a point of order from Deputy Lewis.

Deputy K.C. Lewis of St. Saviour:

You pipped me to the post, Sir. I have been alerted to a potential conflict of interest regarding part 3, paragraph (c) of my amendment and that of page 3, (i) and (ii) of Deputy Gardiner’s, but I will be guided by you, Sir.

The Bailiff:

What are your concerns about?

Deputy K.C. Lewis:

There is a direct conflict of the 2.

The Bailiff:

Which is the part in your amendment that you are referring me to, Minister?

Deputy K.C. Lewis:

Page 3, paragraph (c): “For the words ‘pedestrian-priority’ substitute the words ‘sustainable transport corridor’.”

The Bailiff:

Yes, I think if there is an adoption of Deputy Gardiner’s proposition, then automatically that amendment of yours falls away.

Deputy K.C. Lewis:

But if the Constable is accepting both in that cascade, Sir.

The Bailiff:

I think all I can do is give you an interpretation that obviously we can vote on these things separately or they can be read together. If they are to be read together, I think that would amount to you accepting that it would not be read with your paragraph 3 of your amendment. In other words, you would be agreeing not to proceed with that part of the amendment. But it is entirely a matter for you whether you wish to argue for it, in which case we will take the vote separately in the normal way.

Deputy K.C. Lewis:

I am obliged, Sir.

The Bailiff:

If Members agree it be read as amended, then that would be the consequence and it is a matter for you, I think, to indicate now whether that is something you would accept, so Members know what they wish to do.

Deputy K.C. Lewis:

I would like to promote (c) in my amendment, Sir.

The Bailiff:

You would like to keep (c) going but in which case I think probably we would deal firstly with ... we could probably read the matter as amended by Deputy ...

Deputy K.C. Lewis:

Deputy Gardiner, Sir.

The Bailiff:

Yes. I think in which case we must deal with both sets of amendments separately. In the circumstances, Minister, if you wish to proceed with paragraph 3, which you are entirely entitled to do, the Connétable has indicated he would accept both amendments but we will have to deal with them separately as we go in the normal way. Then I would ask the Greffier to read the proposition in its unamended form.

The Greffier of the States:

The States are asked to decide whether they are of opinion – to request the Minister for Infrastructure - (a) to maintain the current pedestrian-priority restrictions in Broad Street, St. Helier, for the remainder of 2021; (b) to work with the Parish of St. Helier, and other interested parties, to facilitate and enable initiatives that enhance the appeal and the vibrancy of the pedestrian-priority area, subject to any public health restrictions, for shoppers, workers, visitors to St. Helier and residents; (c) to review and, where necessary, take the necessary steps to improve – (i) the availability of on-street

parking for disabled drivers in the central Town area; (ii) cycling access to Broad Street, and within the pedestrian-priority area; (iii) bus services to, and from, the pedestrian-priority area; and (iv) servicing and delivery access to business premises in the pedestrian-priority area; (d) to monitor the operation of the scheme and to work with the Parish of St. Helier to carry out public consultation on its operation; and (e) to report back to the States on the success or otherwise of the scheme by the end of 2021.

3.1 The Connétable of St. Helier:

This proposition has almost been invited by the Minister, as I explain in my report accompanying the proposition, when in answering questions in the States he said that he intended to reopen Broad Street to its former function, unless a Member of the States brought a proposition for debate, so that is what I have done. I must say that I have been lobbied on both sides of the debate since then, initially by members of the public who were so enamoured of the newly created pedestrian-priority area after 11.00 a.m. in the town centre. They thought it was a pity that life was reverting to normal afterwards. But, in fairness, I have met with the Chamber of Commerce, who are opposed to the project and would like to see more data-gathering done first. I have met retailers and hospitality industry owners in the area who are very much for the project but also others who are against it. It is a matter which has divided opinion in the Island and I accept that. It is a matter of the States, I think, coming to a balance between the opposing views. What I would say to Members who are concerned about the proposition is that it is important to emphasise that it is just a trial. It is to see how things go for the remainder of this year and monitor the effects and report back to the Assembly and that, I think, is important to note because it is not going to be set in stone, it is going to be a trial. Sorry, Sir, I am picking up a bit of background chatter and I do not know whether I should stop and ...

The Bailiff:

I am sorry, it could be that, I am afraid, you have been listening to me talk a little bit in the background on procedural matters. I apologise, Connétable, please do continue.

The Connétable of St. Helier:

No, I am sorry, Sir, I should have just carried on. I think I can probably do no better than just quote a paragraph from my report, just to refresh Members' memories, towards the beginning where I talk about the opportunity we are presented to build back better in Broad Street, which is a phrase that has been used by many local authorities really across the world as they have been tackling the pandemic; all kinds of changes to streets, from large cities like Edinburgh to small towns like St. Helier have been made as a result of the pandemic. People have realised that some of the changes that have been made because of the pandemic have made the towns and cities better places to move around. That is why I have urged in my report and I quote: "The Government to seize the opportunity to build back better in Broad Street, given that this proposal is consistent with States strategic policies, including successive Island Plans, transport policies, environmental, health and sports strategies, for more than 2 decades.

[11:45]

The work that was carried out around the Le Sueur monument at the turn of the Millennium restoring the fountains and lights and creating a new square at the top end of the street, has more recently been complimented by the paving of Sand Street and improvements for Charing Cross. In recent times these have led to a burgeoning in retail and hospitality activity in that area and with plans now passed to introduce a water feature into La Croix de la Reine, there is no doubt that we are on the cusp or realising a major improvement to St. Helier's public realm. No one who visits the excellent new Santander work café in the former Thomas Cook building and looks past the seating and the crapaud on its plinth can fail to be struck by the opportunities offered by a second pedestrian-priority route in the heart of Town, opportunities that will be lost if Charing Cross is once again bisected by nose to tail traffic, belching fumes, as drivers seek an alternative to the congested ring road." I end the quote there. The reference to the new café in my report is deliberate, because it was in that café when I

was discussing this year the 60th anniversary of the Association of Jersey Architects that local architects implored me to keep the road in its present state. Anyone who has sat there, as I say in my report or who has walked around Charing Cross, will have been struck by how pleasant it is. Indeed, I have been lobbied quite hard by people who really want this current situation to continue. They do not want to see a return to diesel buses coming down Broad Street. In accepting the Minister's amendment, I am very mindful of the fact that many people wishing to access the town centre by bus, have had to walk from the bus station down Conway Street, and that is quite a long walk if you are mobility impaired. The opportunity to bring buses into the heart of Town, particularly if we have the new hoppla bus that is being promoted by the Minister and particularly if it is an electric bus fleet that we have in a number of years, will complement the heart of Town. It will certainly bring customers into Town and set the cash tills ringing. That, of course, is an extremely important thing for us to be doing as we come out of a pandemic. So it is a compromise. I apologise to those States Members, and I know there are several, who would rather I resisted the Minister's amendment. However, my view is, as I said at the start, that this is a trial. Let us see how it works with the buses coming through Broad Street, mindful of the fact that we will not have all the other traffic that formerly was using Broad Street as a convenient shortcut to avoid the Ring road. Indeed, as I point out in my report, until relatively recently, transport engineers up at South Hill referred to Broad Street as the Inner Ring road, which I think says it all in terms of how it was being viewed, not as a way of bringing life to Town, but as a shortcut through our town centre. So I do urge Members to give this trial a chance, so that we can monitor its success. Members who are concerned about the activity of cyclists will note in my proposition that I have asked the Minister to tackle and to manage the cycle flows in the street. I do have concerns about unrestricted cycling when the street is busy. It is going to lead to conflicts, as indeed it would if it happened in the precinct. I would gently remind the Minister that we are still waiting for a cycling strategy, which would make opportunities for safe and responsible cycling around and through the town much clearer for all parties. I do propose the proposition and I look forward to asking Members questions afterwards.

The Bailiff:

Thank you very much, Connétable. Is the proposition seconded? [**Seconded**]

3.2 Pedestrian-priority in Broad Street, St. Helier (P.28/2021): second amendment (P.28/2021 Amd.(2))

The Bailiff:

Now, we come on to consider the amendments. It appears to me that the correct amendment to take first is that of the Minister, because it amends the earlier paragraphs of the main proposition, as well as being an amendment to paragraph (c). What I should explain to Members is that if Members vote to adopt paragraph 3, which deals with paragraph (c) of the Minister's amendment, then the Assembly would have indicated what the form of paragraph (c) should be. Therefore, Deputy Gardiner's proposition with regard to a different paragraph (c) falls away. In other words, Members at this point will need to consider whether Deputy Gardiner's paragraph (c) is the one that is to be preferred or the Minister's paragraph (c) is the one that is to be preferred or indeed if neither of them are to be preferred. Once the States indicates that they wish paragraph (c) to be in that form, the form proposed by the Minister, it is difficult immediately then for the States to vote on paragraph (c) being in a different form.

Deputy I. Gardiner of St. Helier:

My amendment had been submitted prior to the Minister's amendment. I submitted it within a week or 2 weeks after lodging the original proposition. I had an additional paragraph (d). So what is happening with paragraph (d) on the amendment?

The Bailiff:

The first point to answer is that the Minister's amendment deals with earlier parts of the proposition and one normally takes amendments to earlier parts of the proposition first. With regard to your second question, Deputy, it seems that that is put forward as a single amendment and therefore that single amendment rises or falls. So Members at this point will wish to make a decision whether or not they prefer your version or the Minister's version or indeed no version of it at all, because they are not compelled to accept anything. I wanted to make it clear that if the Minister's version is adopted, because these are all now being taken separately, it seems to me that any other amendment to paragraph (c), which is in the slightest bit of odds with it, must fall away. You can speak to the relative merits in connection with this debate as well.

Deputy I. Gardiner:

Thank you.

The Bailiff:

Very well. Then I ask the Greffier to read the Minister's amendment.

The Greffier of the States:

1 Page 2, paragraph (a) – For the words “to maintain the current pedestrian-priority restrictions” substitute the words “to maintain traffic restrictions to support the principles of pedestrian-priority and through access by bicycle” 2 Page 2, paragraph (b) – For the words “pedestrian-priority” substitute the words “pedestrian area and support the commercial centre of Town centre through the creation of a sustainable transport corridor” 3 Page 3, paragraph (c) – For the words “pedestrian-priority” substitute the words “sustainable transport corridor”; delete sub-paragraphs (ii) and (iii) and renumber the remaining sub paragraph accordingly

3.2.1 Deputy K.C. Lewis (The Minister for Infrastructure):

Firstly, I would like to thank the Constable of St. Helier for accepting my amendment to his proposition. If the Constable's proposition is accepted, a sustainable transport corridor will allow public transport to traverse the pedestrian-priority area in the centre of Town, obviously at greatly reduced speed. This will ensure that those with reduced mobility, who choose to travel by bus, have continued access to both Broad Street and King Street. A sustainable corridor will support commitments made by this Government to promote active travel. Before we consider the request made in this proposition, I should remind Members of the following. I closed Broad Street temporarily in response to the pandemic and have been clear throughout I would reopen the road once the restrictions on physical distancing were lifted. I would have lifted the current restrictions had it not been for part (a) of the Constable's proposition, which requested me to extend the current pedestrian-priority to Broad Street to the end of the year. If the Constable's proposition is unsuccessful, I will be compelled to reopen Broad Street. Returning to part (a) of the proposition, I urge Members to consider pedestrian-priority as a shared space, where different forms of transport exist and where pedestrians have priority but not sole use of. Preventing vehicles from entering Broad Street altogether is not practical as we would need access for emergency vehicles, *et cetera*. Part (c) asked me to review and where necessary take steps to improve the availability of on-street parking for disabled drivers in the centre of Town area and for servicing and delivery access to business premises. Regarding availability of on-street disabled parking, I can confirm that alternative bays were provided to offset the loss of spaces in Broad Street during the temporary closure. I remain committed to providing improved access for Islanders with disabilities and I therefore work with the Parish to review the alternative disabled parking requested by both the Constable's proposition and in accordance with Deputy Gardiner's amendment. I will commit to review the need for additional on-street disabled parking in this area. In relation to servicing and delivery access to business premises on Broad Street, according to Jerripedia Broad Street, formerly La Grand Rue, was for a long time St. Helier's principal road leading from the edge of Town at the Charing Cross to the Royal Square. While it may no longer be our principal road it remains an important access route for the centre of St. Helier. For example, Broad Street provides vehicle access for deliveries to the adjacent

King Street, which was already tightly controlled, so adding similar controls on Broad Street will impact business in King Street. This is just one example of why we cannot consider Broad Street in isolation and we must instead view Broad Street as a small but important part of a much larger and very complex transport network. Public consultation will be essential to assess the impact of the proposed changes to the transport network and I would fully support part (b), which requests the Infrastructure Department to monitor the operation of the scheme and to work with the Parish of St. Helier to carry out further public consultation of its operation. However, I will point out to Members that in committing to further public consultation relating to Broad Street, the Infrastructure Department may need to reprioritise other work to achieve this. Finally, paragraph (e) asks me to report back to the States on success or otherwise of the scheme by the end of 2021. If the Constable's proposition is accepted, I will be pleased to return to the States Assembly and update Members on the outcome of the scheme by the end of this year. I make the amendment.

The Bailiff:

Is the amendment seconded? [**Seconded**] Minister, it might help were you to indicate would you be prepared to agree to have these various paragraphs taken separately when it comes to the vote?

Deputy K.C. Lewis:

Indeed, Sir.

The Bailiff:

Point of clarification, Deputy Ward.

Deputy R.J. Ward:

The Minister in his speech said that his amendment has been accepted by the Constable. Nothing has been accepted. We will be looking at each amendment separately. The Constable of St. Helier did say he would accept Deputy Gardiner's, which is now not accepted, it seems, because it cannot be. I am just very confused as to what we are looking at in terms of we are looking at this amendment, which has been accepted by the Constable, but Deputy Gardiner's has not been accepted by the Constable. I am just absolutely confused as to what we are debating at the moment. If I sit alone in that confusion then I apologise to the Assembly, but I sense that I am not alone in that confusion.

The Bailiff:

The position, Deputy, is this: the Connétable at the beginning indicated that he would accept both sets of amendments from both the Minister and from Deputy Gardiner. The consequence of that, of accepting Deputy Gardiner's amendment in full, is inconsistent with accepting the Minister's amendment to part (c). Consequently, had the Minister been prepared not to move his amendment to part (c), then the matter could have been taken as a single question and the proposition read as amended by Deputy Gardiner's amendment and by the Minister's amendments part 1 and 2.

[12:00]

Because the Minister elected to put forward, as he is perfectly entitled to do, his argument that his version of part (c) should prevail, then Members now need to consider which version of part (c) and indeed which parts of any amendments they wish to see adopted. It is an unfortunate but perfectly procedurally correct, in my judgment, consequence of where we are. While the debate is going on I will give some further consideration to see if my view is in any way malleable, but at the moment I think that the analysis I have given Members is the correct analysis.

Deputy R.J. Ward:

Thank you.

The Bailiff:

There are other points of clarification, Deputy Higgins.

Deputy M.R. Higgins:

My point of clarification is on the Minister's speech, but if Deputy Gardiner's is on procedure, perhaps we should hear her point of clarification first and then we can address the Minister's speech.

The Bailiff:

Deputy Gardiner, is yours on clarification or on the Minister's speech?

Deputy I. Gardiner:

Yes, Sir, of the procedure.

The Bailiff:

Very well, would you like to ask me your point of clarification first then?

Deputy I. Gardiner:

Yes. Following your explanations, does it mean if paragraph (c) of the Minister's amendment is defeated we will move the debate to debate my amendment?

The Bailiff:

Yes. The Minister has agreed to take the paragraph separately, so Members will have the opportunity of voting on paragraph (c). If they accept the Minister's paragraph (c), your paragraph (c) will not fall to be debated. If they reject the Minister's paragraph (c) then your amendment will fall to be debated.

Deputy I. Gardiner:

Thank you.

The Bailiff:

Well, Deputy Higgins, a point of clarification from the Minister, I think.

Deputy M.R. Higgins:

Yes, Sir. The Minister, in his speech, mentioned that if we go ahead with the proposal there is increased consultation, it is going to be at the expense of other items his department is doing. As I have proposals for the Inner Road, which has been going on for years, and Deputy Gardiner has other propositions for areas within St. Helier, can we know what is going to be effected, because it may well influence our decision on voting.

The Bailiff:

Are you able to clarify that, Minister?

Deputy K.C. Lewis:

Not entirely, Sir. I have limited resources and, due to COVID-19, a limited budget. So we will have to juggle things around. I am sure that can be done. If I may say so, regarding paragraph (c), the only difference between my (c) and Deputy Gardiner's is that Deputy Gardiner wants to go "to" Broad Street as where with the bus and hoppa I want to go "through" Broad Street. It is semantics, but it is the key to the whole thing, as far as I am concerned.

The Bailiff:

If I may just take a moment to consider that, please, Minister?

Deputy K.C. Lewis:

Sure.

The Bailiff:

Well, I am not sure your paragraph (c) says anything about cycle access at all, does it, Minister? Your paragraph (c) relates to something different within the proposition. It is your paragraph (a) that talks about through access by bicycle in Broad Street. There is no conflict with your paragraph (c) in that sense and Deputy Gardiner's paragraph (c), insofar as it relates to bicycles. One is through access and one is to Broad Street.

Deputy K.C. Lewis:

Yes, indeed, Sir.

The Bailiff:

In maintaining your paragraph (c), which you are entirely entitled to do, that has nothing to do, it seems to me, to do with cycle access.

Deputy K.C. Lewis:

Not in itself, no.

The Bailiff:

Another point of clarification, Deputy Gardiner, from the Minister or from me?

Deputy I. Gardiner:

From you, Sir. I am looking through the (c), and without making it complicated, you mentioned my (d) and my (d) are different. So even if the Minister's amendment on (c) is accepted, again I am asking, can we debate my (d) or do they come together?

The Bailiff:

I am going to give that further consideration. My first view is that they are taken together, because it is a single amendment. However, I am going to reflect a little bit on that before I make a definitive judgment on it.

Deputy I. Gardiner:

Thank you.

3.2.2 The Connétable of St. Helier:

It certainly would have been simpler if the Minister had accepted my olive branch to accept both amendments. As I read paragraph (c) in the 2 amendments, they are both doing very similar things. Of course, my proposition is crystal clear and there is no ambiguity in any of its parts. The key point to make perhaps is that Deputy Gardiner's amendment was made to mine to try to introduce a target date. She does that in paragraph (d). Her other provisions are very similar to what I have requested in terms of doing a survey to try and increase disabled parking and matters such as that. The key problem arose when the Minister's at the moment appeared, because as he rightly said in his speech, he is seeking to take buses down Broad Street itself. Both my original proposition and Deputy Gardiner's amendment were based on the assumption that you could still service Broad Street by buses without having to take them down its length. You could bring buses to the Le Sueur Monument at the top end of the street and you could bring buses down to Sand Street at the bottom end of the street or indeed to York Street by the Town Hall. That is how this happened. Myself and Deputy Gardiner were working on the basis that buses would not be coming down the street, but the Minister has introduced the buses. As I said in my opening remarks, I think that is something that is worth trying out for the remainder of this year. I also wanted to endorse what the Minister is saying about disabled parking. It is absolutely vital that we find more spaces. At the same time I would say what I have said to many members of the public who have got in touch with me about these spaces and they are very fond of them. There are 4 of them. Who knows how many vehicles come down Broad Street hoping to use them and are unable to do so. I spoke to one person and I asked them: "What do you do when the spaces in Broad Street are busy?" They said: "Oh, we drive around Town until

we find somewhere.” Although I understand it, that really is not going to help congestion in Town if we have hundreds of people driving around searching for a relatively short number of on-street disabled parking spaces. Much better that we find more spaces in our car parks and that we put more resources into the Shopmobility Scheme if they require it, so that people who are disabled have lots of options, including of course a better bus service, so that they do not have to take their car at all if they do not choose to. As I say, the other point I wanted to make about the Minister’s amendment is that it very usefully introduces the concept of a sustainable transport corridor. That is a good phrase. It does help us bear in mind that we are in a climate emergency. That has not been mentioned yet. I was going to keep it to my summing up. Anybody who has watched recently the documentaries, particularly the Greta Thunberg documentaries on the BBC, cannot have helped to have been struck by the fact that we are in a climate crisis. It is affecting all parts of the world. We really have to act. If this proposition, whether it is amended or not, is not approved it will send out a very, very bad message in terms of Jersey’s ability to take climate change seriously. Having said that, I am pleased to work with the Minister. To pick up Deputy Higgins’ point; if the Minister is short of people to carry out the necessary monitoring and consultation I am sure that in the Parish we can help him with some resources, so that other work that is being carried out need not suffer as a result.

3.2.3 Senator L.J. Farnham:

There is absolutely no doubt that the pandemic has changed things for commerce generally. Our town centre will not be the same for quite some time for many retailers. That is not necessarily a bad thing, because retailers have learned to adapt and have adapted well and restructured to ensure they are fit and in as best shape for the future as possible, given the huge challenges they have had to face. St. Helier, the town centre especially, as do other areas of retail in Jersey, needs to become more of a destination, more of an attraction to attract the footfall that is going to be required to sustain the business offerings we have. I feel the trial closure of Broad Street has been successful. It has changed the ambience of the whole area positively. There are great opportunities to really do something special there. I do take on board the concerns of Chamber of Commerce and some of the businesses in the area and I will address that briefly in a minute. I know that Deputy Morel, who has taken over and is making good progress with the future retail strategy, will have views as well. What we all know is pedestrianisation should mean pedestrianisation. People and vehicles do not really mix well in shared areas, sometimes very sadly with tragic consequences. So we have to be extremely careful and use this opportunity very carefully. As the Constable just said, there are some opportunities to make sure we have far better public transport options without having to traverse the whole length of the pedestrianised area. There are great opportunities for further development of the public realm in that area. We can really do something special with Broad Street, especially with all of the plans that are afoot for new commercial premises and hotels, connecting up right through Commercial Street and on to the waterfront. If we develop that area in line with that, we will see a proliferation of new businesses, cafés, restaurants, shops and some park land perhaps, some very carefully thought-out park land introduced in the area. That will benefit the whole of St. Helier. We need to be smarter with our transport options. We need to be more sustainable. I am not sure whether buses with diesel engines trundling up there at 5 miles per hour every 15 minutes are going to be helpful. I understand the logistical challenges, but I think we need to be a bit smarter. We certainly should be taking advantage of much cleaner forms of moving people with the use of wheels than diesel engines, albeit if they propose to be clean diesel. This Assembly has made a commitment to carbon neutrality and that should start here and it should start now. We can do that and we can still ensure a vibrant town centre, of course. Alongside that and around Broad Street we need to make sure that we can facilitate transport, whatever that may be, to get people into Town from around the Island, where they can park and where they can shop and enjoy themselves for as long as they need to do so to keep and maintain a viable town centre for the future.

3.2.4 The Deputy of St. Martin:

I will be brief. I had to say that I was not particularly impressed with the Minister's amendment when I read it for the first time. As I continue to read it I can only see it adding more confusion and difficulty in understanding what we are trying to achieve here. I direct Members to part 1 where the wording was "to maintain the current pedestrian-priority restrictions". That is quite clear. However, the Minister wants to add traffic restrictions to support the principles of pedestrian-priority and through-access by bicycle.

[12:15]

By only supporting the principles and then allowing bikes, the amendment is then going to bring into question whether pedestrians really have priority. If you take away just the pedestrian-priority bit and substitute something else it just makes it more confusing and difficult to read. I am going to vote against this and stick with something which is much clearer and easier to understand.

The Bailiff:

Thank you very much. Before I move on to the next speaker, I have given further consideration and the simple ruling must be that if something is put in as an amendment it stands as a whole amendment or not. Therefore, when you make your speech, if you wish to speak during this part of the debate, you will wish to speak on the basis that your amendment will cover both (c) and (d) when you are speaking in opposition to the Minister's.

3.2.5 Connétable A. Jehan of St. John:

Over 12 months ago we were told that Broad Street was being closed for public health reasons. Some say it was more like public stealth. In terms of public safety, I and others thought that in other jurisdictions encouraging pedestrians to walk on one side of the street would be a better solution, rather than taking action at just one junction. We finally got that, albeit we were asked to forget all we had learned about road safety and walk on the left. It seems that scheme had a very short lifespan, unlike the closure of Broad Street that has remained closed despite the improvements in COVID-19 numbers. We are being asked today to support a proposition and then collect the data. This, to me, is just like putting the cart before the horse. I should add at this point that I am pro cycling, pro road safety and pro the environment. I am, however, against piecemeal planning and against making decisions without having the full facts; listen to the start of this debate. Why are we debating Broad Street and not Waterloo Street or Don Street, for example? It should be said that good progress has been made in terms of getting people around the harbour to Havre des Pas, also the path through St. Peter's Valley is excellent for walking and casual cycling, albeit we do have the danger of a mixed area, something that is being encouraged here. Those schemes have helped to increase the number of cycling commuters. However, when cyclists arrive at St. Helier that is when the issues start and where the greatest opportunity is to improve road safety. The Minister refers in the report to his amendment that piece by piece we will join the dots to create a network of cycling. In my view, that is the real issue: piece by piece we will join the dots. What is urgently needed is a joined-up plan backed by data that leads to bold actions. I know that the Constable has been calling for this for many years and indeed mentioned the cycling strategy this morning. We need a plan, a plan that enables cyclists to cross the centre of Town from east to west safely; a plan that allows those who want to cycle from north to south to do so safely; and, where possible and practical, a plan which keeps pedestrians and cyclists separated. This proposition is just a single street that does not achieve any of the above. This proposition does not tell us the impact, either positive or negative, on business in the nearby areas. In terms of recreation and events, I can think of a number of existing pedestrianised areas in Town that would benefit from some investment in an effort to encourage the public to use these areas more than they do at present. Of course, if the proposal is defeated, Broad Street itself could, as before, be closed for specific events. In regards to buses, sadly like Deputy Gardiner, I have also spoken with a number of people who now drive to Town as they cannot access the bus in Broad Street, something we should discourage. Like the Constable of St. Helier, I also welcome the proposed Town hoppa bus. I would ask the Minister that such a route should be operated by vehicles that run on alternative fuel, either electric or at the very least on renewable diesel. If the

Minister is serious about increasing the amount of disabled parking, I would urge an urgent review of the use of Library Place. In my view, it is currently a car park for taxis. The size of the rank could be reduced and some of the space here could be better used by providing additional space for disabled parking. As well, dare I say it, Vine Street is another area that would be well-suited to disabled parking, giving those people access to the high street, rather than the limited time they have available on Saturdays. Finally, we have some very experienced transport planners and access to accurate modelling, so at this time, without the data, I will be voting against the continued closure of Broad Street.

The Bailiff:

Thank you very much. Connétable of St. Brelade, I notice you had a question. I am sorry I read that as a wish to speak. Did you have a question? To who was your question for? Is it too late for that?

Connétable M.K. Jackson of St. Brelade:

It is just a wish to speak, Sir.

The Bailiff:

Very well, well then next to speak is Deputy Southern.

Deputy G.P. Southern:

No, Sir. I did not want to speak yet. I was trying to get your attention about intermittent reception. That is what I was trying to contribute. I do not wish to speak at this point.

3.2.6 The Connétable of St. Brelade:

I would support the words from the Connétable of St. John given just now. We must not just adopt a whimsical approach to street closures, *ad hoc*, yes, on the basis of events and such like quite reasonably. His point regarding electric buses is something that I would ask the Minister for Infrastructure to address in his response. We have not seen electric buses here yet. We have seen them in London. We must move in that direction. We do need to be able to get people from outside St. Helier into the middle of Town easily. The adoption of electric buses to enable us to do that has to be a consideration high on the Minister's list.

3.2.7 Deputy G.P. Truscott of St. Brelade:

I am pleased to follow both Constables. I have concerns. I have been lobbied and contacted by many people who are disabled greatly missing their slots in Broad Street. It is so convenient just to pop out of the car and then with a few paces they are on the main street. They do not find Dumaresq Street particularly convenient either. There are no dropped pavements there and I believe the traffic is greatly enhanced in that area. I am not sure if the disabled have been taken fully into account with these proposals. I am also in touch with a number of retailers in the area. Again, a lot of them feel that there has not been a lot of consultation. I do note also that the Chamber are calling for more consultation. It just seems a little bit half-baked. I am totally with the Constable on what he is trying to achieve. However, I think the point that the Constable of St. John made about the cart before the horse, it would be better to get the street open, come with the plan, bring everybody with you and then proceed. Doing it this way, I feel it jars a bit. We are in the middle of a pandemic and it has been extremely difficult for retailers. Most shops have greatly suffered during this last 12 months and only now with the numbers so low are we looking forward to some kind of tourist season and things can hopefully start returning to normal. A lot of these retail shops have had no income. They are desperate to get things back to normal as quickly as possible. Interestingly, I was sent a photograph from a retailer and it showed Broad Street from Charing Cross down towards the post office. It was taken at 2.30 p.m. on a Monday. It was deserted, pretty much deserted at 2.30 p.m. The one thing I was looking for was tumbleweed. It is plainly not good for business the way things are. I am struggling with what is in front of me. I will be listening to the debate carefully going forward, but we need to get our ducks in order.

3.2.8 Deputy J.H. Young:

I have every sympathy with the Minister for Infrastructure. Obviously as Minister for the Environment I have a different situation to colleagues in other jurisdictions who have the combined role of infrastructure and environment. From an environment point of view, there is absolutely no question that we need to work towards making our town much more sustainable in the way we deal with traffic and manage it to make it a more pleasant place, to improve it for residents, workers, visitors, for shoppers and so on. Trying to do that with the historic nature of our street pattern and the history of very close streets, very narrow streets, is extremely difficult. Of course, what happens is there are very, very sharply divided opinions. I am very much led by the Connétable here, because the Connétable started out responding to the Minister's challenge, whereas the Minister's start was: "Well, okay, COVID-19 is now not the problem it was, immediately we could put it back in response to a very powerful lobby." The Constable then has come up with a framework to take us through to achieving a more sustainable framework. I originally very much liked the Connétable's original amendment, because it achieves what is being spoken of. I can now understand, and I am so pleased the Constable explained to us, his feelings now that he has had lobbying from both sides of the picture and he is going along with this by way of an experiment to see how things go. He has therefore given support to the Minister for Infrastructure's amendment. The Deputy of St. Martin is absolutely right. It is a much more vague term in the amended version, much vaguer and it leaves it completely open to interpretation. The Connétable's original was about pedestrian-priority; very, very clear. However, the Connétable has made a decision that he will embrace the principles of this sustainable transport corridor through the town centre. I am leaning towards the Connétable here in going with the amendment. In a journey towards making Town sustainable we can be all or nothing. What we should better do is progressively work with our community and then try and get to a better place, because we do have to move away from the situation. I know that for many, many years we have seen the Broad Street loop with people coming up Conway Street, going round Broad Street and coming out at Sand Street. That now is less possible, because of the closure by Sand Street, which is good. For years and years we have seen people who go round the loop and then what they do is they drop their passenger off just outside the post office, they go around the loop. They go round and round the loop waiting to meet their passenger when they come back. The Connétable is right, that does nothing to manage traffic in Town nor does it when people are hunting for a parking space. I do wonder how much of people travelling around Town are hunting for spaces and how much of it is real traffic. This is a step towards a better place, the Minister's amendment.

[12:30]

The one thing I do not really understand is why we have lost, in the technical process, the key words in Deputy Gardiner's amendments about the disabled drivers' parking close to Broad Street. It seems the arguments being made are very valid about disabled drivers' needs. There must be spaces we can take out in the top of Conway Street or Library Place. We have lost that if we have to make this decision to go with the Minister for Infrastructure's amendment. The other thing we have lost as well, because I cannot see that appearing any more, if we just sign up to the Minister for Infrastructure's amendment, we do not have the issue about LibertyBus and bus services to and from the pedestrian-priority area; I cannot see where that has gone. It seems to be lost. We have a reference to on-street parking but it does not say close to Broad Street in the amended proposition, and I cannot see anything in the amended proposition about bus services. We desperately need this bus service within Town; that change needs to happen. So in terms of step forward I am really caught here; do I go with the Minister for Infrastructure's amendment, because being caught in a crossfire of opposing views one looks for a compromise or middle way. I am not celebratory in that because my instinct would be to take a firm position as it was originally done, but I know there is not much point in taking a firm position in the end if the whole thing falls apart and you lose the whole big picture, so better to go for the long game and go with the principles of sustainable transport corridor and see how it goes. But I would like the Minister for Infrastructure to tell me where have we got the elements in the amendment with the deletions that are now deleted from (d) parts (i) and (ii) in Deputy Gardiner's

amendment, close proximity to Broad Street and LibertyBus services? I am waiting to hear that but I think we do need to ... and I really do hope that whatever the outcome of the amendments that this proposition goes through because it would be a retrograde move to go back to status quo in a very unstructured way. We have got an opportunity I think now to try and make progress towards a more sustainable town, for all the reasons other speakers have spoken to. I am very impressed with the remarks of Aurum Jewellers on the T.V., that they say how wonderful it is. Businesses are divided; I heard Simple Simons say they do not like it because people are not coming into Town. But I think people are not coming into Town purely because of the Broad Street thing. It is a bigger picture. People are going to take a while to come back into Town and the better we can make Town, the friendlier, the more successful we are likely to be in that. So a kind of qualified agreement with the second amendment, the Minister's amendment, but I would like to hear and deal with those points about what we have lost from Deputy Gardiner's.

3.2.9 Deputy K.F. Morel:

I often wonder how we manage to get ourselves into these messes; a mess in the debate, a mess in the wider sustainable transport system running around St. Helier. I sit here and I have been thinking - and I do apologise - those people who have to sit and just listen to these debates must wonder what is going on. The Connétable of St. John did indeed point to the piecemeal approach, the lack of more holistic planning, the lack of consultation, which has been brought up. I have enormous sympathy for those; I agree with that entirely. However, I also have sympathy with the idea of pedestrianisation being good for St. Helier and certainly I also believe good for retailers. It is interesting some retailers have expressed concerns about footfall but obviously footfall has been hit by COVID over the past year so footfall measurements over the past year during the time that Broad Street has been closed have been COVID footfall measurements, they have not been purely Broad Street closure measurements, so it is very hard to distinguish the impact there. However, I will speak later, as Senator Farnham has almost instructed me to, and I will speak later about the wider issues on Broad Street and my support or otherwise for that. I will try and focus on the amendment now. Again, I am trying to understand the amendment and I have read, reread, listened to Deputy Gardiner, listened to the Minister, to try and understand this interaction between these amendments and how it is working and it is not easy. But the thing that stands out for me is that the Minister's amendment says in part (b): "To work with the Parish of St. Helier, and other interested parties, to facilitate and enable initiatives that enhance the appeal and the vibrancy of the pedestrian area and support the commercial centre of Town through the creation of a sustainable transport corridor." We do not really know what that sustainable transport corridor is because there is no holistic approach; it is piecemeal. But the creation, the facilitation, enabling initiatives. Then (c) goes on: "To review and, where necessary, take the necessary steps ..." *et cetera, et cetera*. Part (d) which is the original part of the Constable's proposition: "To monitor the operation of the scheme and to work with the Parish of St. Helier." So here we have to work, to review, to enable, to facilitate, to monitor. These are all things which cost money. There is no question they cost time and money, so let us quickly run down to the financial implications. The financial implications are: "Delivering these modest changes to the arrangements for access to Broad Street can be met within existing Governmental resources and budgets." The Connétable's original proposition says something similar. That is fine. We know that all of this, *ad hoc* as it is, can be met with existing resources and budgets. The problem is that time and again the Minister for Infrastructure has stood up in this Assembly when other Members have brought their own propositions and said: "Ah, but if we do this it seems something else has to be pushed down the prioritisation ladder." That is exactly what is happening here. So I have 2 bus stops in St. Lawrence which have been deemed unsafe by his department and for the last 3 years I have been asking for them to be changed because his department has said that they are unsafe. So where and how do these changes affect the prioritisation of my unsafe bus stops in St. Lawrence? Where and how do they affect the prioritisation of other unsafe bus stops or other unsafe parts of the infrastructure of this Island? How did they get knocked down? That is the bit that we cannot see here and that is the bit that I find difficult to reconcile because while I think pedestrianising Broad Street is almost certainly

a good thing - for retail particularly I think it will be a good thing and I will come to that later - what I cannot agree with is that this can be done without knock-on effects elsewhere. So while the resources may sit within the department, other priorities will be affected. We know this because it is the argument the Minister makes time and time and time again, and as a result of that I find it incredibly difficult to go with this amendment and possibly the wider pedestrianisation, because it is not correct. This has cost, that cost is in the prioritisation of other often safety related initiatives and that is my problem here.

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

It is always interesting when you listen to debates to sort of decide what you might just be able to hang on to for the town of St. Helier that is dumped on every single time. It is always good to hear from the new Constable of St. John, the Constable of St. Brelade, Deputy Truscott, and now Deputy Morel. None of them live in Town, they do not represent Town, but probably a bit piecemeal, is it not, whichever one we go for, let us stick with the status quo, let us open up Broad Street for all the people who have had it closed and let us just have all the traffic come through because some people cannot be dropped outside of the bank one end or outside the town on the other end because they have been doing it for a year. Of course they can, and we know the bus goes up St. John and it only stops from the station then it is Broad Street, and the other bus goes to La Pouquelaye. I am sorry. I say to Deputy Young, we do have to be a bit pragmatic here because we are in danger of losing everything. The people that have spoken against this are speaking for the status quo, telling me they are as green as anything and they live in a lovely green Parish which really, really sticks in my craw. This is something for St. Helier. Yes, the shops thing they are suffering but it is exactly what Deputy Young, people are not coming in. If you are not in Town you are not going to get your sandwich in Simple Simons. But when we are back to normal this street needs to have as less traffic going through it as possible, and if it is the hoppa bus that is fine. This is what this does. I mean, I was led by my Constable, I said I would back whatever he wanted because he is always put on, Town is always put on. I think because he has supported accepting the Minister I am going to have to do that because I am really, really concerned after hearing the last 3 or 4 speeches we are in danger - and I repeat it - of losing everything. I will leave it there. I mean, you can call yourself green and you can call it piecemeal and you can say: "Well, let us wait until we can get electric buses." Well, let us wait until we get flying cars and it will all work a lot better. We have got what we have got today, we are voting on what we have got today. Keep Broad Street as traffic free as possible.

3.2.11 Deputy M. Tadier of St. Brelade:

I think first of all there is an agreement that we all want to do the right thing but the right thing is perhaps what is eluding us here. I think there is also a general agreement that we need to as an Island break our addiction with the car, but in order for that to happen we need to facilitate other options for people to get around, which will of course mean that people have to change their behaviour and get out of their comfort zones in many cases. But it is also important that we as either Government or legislators facilitate that for people to do the right thing. I do not think that Government has done enough collectively to hold their hands up and say that we can fully expect it simply to happen by a desire for the public to change their habits. It is a 2-way street, if you excuse the unintended pun, unlike Broad Street of course which is one-way. I think there is a risk here that we are also allowing ourselves to be buffeted by lobby groups one way or the other and that it is important that we do listen to those lobby groups. Similarly, if we do not have a plan or if the Minister does not have a plan or the Constable or whoever, and if those plans are not cohesive and if they have not been arrived at and not bought into generally with the public then we cannot simply abdicate responsibility to whichever group or groups shout the loudest. It seems to me that of course you are always going to get different lobby groups saying things which are probably individually quite correct but when put together create necessary tension. There is an argument that retailers in St. Helier seem to want as many cars to be able to drive into Town as possible, even if they cannot park there. That does not always seem logical because I think a lot of the most successful town centres - and I think indeed the

Minister for Economic Development, Tourism, Sport and Culture has recognised this - it is important for people to feel comfortable, to want to stay in a town centre, not simply to shop but also to have some kind of experience. I do not really like talking in those kinds of buzz word terms because they do start to grate after a while. We are talking about a St. Helier experience, a town centre experience that people can have when they come to shop or do whatever else. But I think it is right that if you can leave your car parked up, if you do come to Town by car, somewhere on the outskirts and leave the on-street parking for those who really need it - people have talked about disabled parking and Broad Street being convenient for those with a disability - but I think the focus should be the other way around.

[12:45]

That it is highly inconvenient and perhaps stressful and impossible for them to be able to park far away in relative terms in a multi-storey carpark if they have a disability, especially one that causes them difficulty or pain in walking. But for the rest of us I do not think there is any reason why we should not be parking on the outskirts of Town, and again we need to incentivise that. We need to do that by probably charging a differential or providing free parking in certain areas. I certainly remember when on the Ring road you could have free parking, it meant that you had to walk in but you put your 2 hours discount and you would stay in Town for 2 hours. Now I think people might only park for an hour in Town and clamour to get back to the car because they do not want to get a parking ticket or be charged additionally for the short stay carparks. So I think these things do need to be looked at holistically. Has that happened already? I do not think so. Can we look to European towns which seem to do it as a matter of course? I am sure we could all name different towns and villages that we have been to, and I am thinking specifically on our doorstep in Brittany. They have rising and falling bollards and the municipality decides among themselves what hours a street should be open for, if it should be open at all, to through traffic. If you want to put an event on the bollards can come up. If you want to open the street during certain times to allow deliveries then the bollards can come down and then go up. You can have a general rule that Broad Street should be pedestrianised but access is allowed at some times. I thought it was a great idea as well, and a great shame in a sense - again I think it was to do with public opinion - but then it was partly the former Bailiff's idea of creating a big, open space that could be used for civic events between Liberation Square and the park that attaches towards the other part, I have temporarily forgotten the name of that square but the one outside the Royal Yacht, but other hotels are available and the museum. It would have been great if when we needed to we could have closed that road and it could have been completely flat so that you can have big events, whether it is a big sporting event, a big concert, or a Liberation Day-type of event, whatever that might be. We need to get our heads around that. It is possible to do that but if you need to you can open the road for certain events and we decide somehow what the split of that shared place should be. We can look to places like the Netherlands, we can look to places like Brittany, France, throughout Europe and no doubt even some towns in the U.K. which manage to do this. So I will be listening to those when they sum up for the amendments and for the main proposition. It seems to me that this could have been done in a slightly different way; that if there had been a proper working party which does include people from St. Helier who live and work there and represent St. Helier. But when Deputy Martin spoke about those who do not live in or represent St. Helier, I mean, I have lived in St. Helier in the past and I spent a lot of time in St. Helier working. I think it is a conversation that we all need to be involved in because people do come to St. Helier often on a daily basis, irrespective of whether they end up living there, and a lot of people who live in St. Helier of course do not necessarily need to drive. We need to make sure there is a solution which can tick as many of the boxes as possible. I am certainly not going to be the one that refers this back or suggests that we move on to the next item, but I think if someone were to do that and suggest that there should be a working party that can come together in short order to come up with cohesive plans - not just for Broad Street but for proper connectivity in terms of pedestrianisation, sustainability in St. Helier in the transport links and how they link into the

neighbouring Parishes to feed into the road infrastructure - the sooner that can happen the better. I ask for the adjournment.

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

There is a point of clarification sought from you from the Minister for Infrastructure. Deputy Lewis, do you have a point of clarification?

Deputy K.C. Lewis:

It is to come in after Deputy Tadier, I beg your pardon.

The Bailiff:

Deputy Tadier has stopped speaking. Is your point of clarification a point of clarification from the Deputy?

Deputy K.C. Lewis:

No, from myself. It is just to inform Members that I have been speaking to officers ...

The Bailiff:

I am sorry, that is not a point of clarification.

Deputy K.C. Lewis:

Just to say I withdraw 3(c), sir.

The Bailiff:

That is a different matter. That is a procedural matter. You would withdraw 3(c)?

Deputy K.C. Lewis:

Yes, if that is helpful to Members.

The Bailiff:

In those circumstances, once the rest of your amendment is dealt with Deputy Gardiner's amendment can be put.

Deputy K.C. Lewis:

Indeed, if it is helpful to Members.

The Bailiff:

Very well. The time has come for the adjournment; Members can consider that over the adjournment period. Thank you for that indication, I think that is timely in as much as Members can consider it, but the Assembly stands adjourned until 2.15 p.m.

[12:51]

LUNCHEON ADJOURNMENT

[14:15]

The Bailiff:

Before the luncheon adjournment, Deputy Lewis, Minister, you indicated that you would not be any longer proceeding with paragraph 3 of your amendment. As the debate has been opened, obviously you need the leave of the Assembly to withdraw paragraph 3 at the present time, do you seek that leave?

Deputy K.C. Lewis:

Yes, I do. I would be grateful for Members' support on that.

The Bailiff:

Before I formally deal with it in terms of a vote, could I just have an indication on a standing vote? So would anyone please ... you wish to speak on that particular matter, Deputy Gardiner? Yes, please do.

Deputy I. Gardiner:

Yes, briefly, please.

The Bailiff:

Well, if you would like to speak to it now.

Deputy I. Gardiner:

I just would like to thank the Minister for consideration and withdrawing part (c) of his amendment which will allow the Assembly to consider my amendment on a similar matter. So we will have my amendment which will be replacing part (c) of the Minister's amendment.

The Bailiff:

Yes, that is entirely correct. If Members will agree that the Minister can withdraw part 3 of his amendment, that is still to be determined, then the consequence of that will be the Minister will not move part 3, merely part 1 and part 2, and after that then the Assembly will consider whether or not Deputy Gardiner's amendment might be adopted. So, I think probably as people are indicating a desire to speak, I probably should do this rather more formally. Minister, you propose to withdraw, is that seconded? **[Seconded]** Deputy Ward, you wish to speak?

Deputy R.J. Ward:

Is this just on the withdrawal of this amendment?

The Bailiff:

Yes.

Deputy R.J. Ward:

In that case, yes, because I would like to speak on the amendment. I just would like to know what the processes have been to come to this withdrawal because we came here this morning, there was real uncertainty, and I am just quite disappointed that we have spent so much time talking about a particular amendment, trying to work out the implications, and then all of a sudden this has been withdrawn. I think within the Assembly itself, given that this is a Government Minister bringing an amendment, I just would like to know the process that has led to this being withdrawn. This is a confusing enough piece of legislation, an amended piece of legislation, and I will say was this morning within a hair's breadth of asking for a reference back on the whole thing so that we could sort out what on earth is going on, and that is still in my mind. I think an explanation is required by the Assembly. I do not want to sound negative about it. If there is a positive way of asking for that, then could you consider that this is it?

Senator J.A.N. Le Fondré:

I am sure the Minister is perfectly capable of speaking for himself but I thought if it helps, essentially fairly late in the day, given the willingness of the Connétable to accept both amendments, it was identified at very short notice that there was an inconsistency between part (c) of the Minister's amendment and part (c) of Deputy Gardiner's amendment. That is where the confusion as we know arose earlier today. It has all happened in the last, I will say, few hours relatively. There have been some discussions and some exchange of emails and the Minister was very pleased to support the Connétable's proposition, hopefully as amended, and that is where we have ended up. But it is

essentially the inconsistency that was identified at relatively last minute between the 2 part (c)s of both the Minister and Deputy Gardiner, if that helps.

The Bailiff:

Does any other Member wish to speak on this procedural proposition? If no other Member wishes to speak, then I close the debate and I call upon the Minister to respond.

Deputy K.C. Lewis:

I thank the Chief Minister for his intervention there. I have always said that when it was proposed to change the use of the street permanently, I would always instigate a full and fair consultation process that seeks to balance the views and needs of all stakeholders. Now the Constable's proposition provides for this. The proposition is also entirely in line with the ethos of the St. Helier movement and public realm strategy which forms part of the suite of documents published as part of the evidence base of the Island Bridging Plan. Because of this, the department is already making the preparations necessary to commence this stream of work as part of the public realm strategy, which will seek to celebrate the local history and character to develop designs that encourage active use of public spaces to support both healthy lifestyles and the local economy. The retailers tend to over-estimate how many of their customers travel by car; it is footfall, not car traffic.

The Bailiff:

Minister, I apologise for interrupting you. At the moment, we are only speaking as to whether you have leave to withdraw paragraph 3 of your amendment. This is not a ...

Deputy K.C. Lewis:

Beg your pardon, getting carried away there.

The Bailiff:

Yes, this is not a response to the amendment in general.

Deputy K.C. Lewis:

Yes, beg your pardon.

The Bailiff:

This is not your summing up on the amendment in general, it is just your summing up on your request to the Assembly to withdraw paragraph 3.

Deputy K.C. Lewis:

Absolutely. I thank Members for their support and, as the Chief Minister stated, this was brought to my attention at very much the last minute, but happy to withdraw this with the support of Members if it eases things along. Thank you.

The Bailiff:

I think we should put a vote in the chat on this one and therefore ask the Greffier to put a vote into the link. I open the voting and ask Members to vote. The vote is on whether the Assembly agrees that the Minister may withdraw paragraph 3 of his amendment as he has requested to do. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The proposition has been adopted:

POUR: 38		CONTRE: 1		ABSTAIN: 0
Senator I.J. Gorst		Deputy S.M. Ahier (H)		
Senator L.J. Farnham				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				

Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Bailiff:

Therefore, we now continue with the debate on the Minister's amendment, restricted now to paragraphs 1 and 2 of the amendment. Does any other Member wish to speak on the amendment?

3.2.12 Deputy R.J. Ward:

It is very difficult to speak on this amendment because it is very difficult to know what on earth it is going to do. I would like to raise some questions for the Minister, really, in response. Part (a) that we are now looking at is to maintain traffic restrictions to support the principles of pedestrian-priority and through-access by bicycle. I would like to know how specifically it supports those principles and what are these principles because there are many principles that exist. I am a cyclist and I am

principled, so am I a principled cyclist that is included within that? These are just words. What we seem to have here is a sort of exercise in semantics, an exercise in just bringing forward empty words. I am afraid, if there has been a feature of our Sustainable Transport Policy, it has been empty words; words, many, many, words. Good job we did not print it because it would have been many, many trees where they have talked about making change and absolutely nothing has happened. To go further, it says “pedestrian area and support the commercial centre of town centre through the creation of a sustainable transport corridor”. It is a new term, a sustainable transport corridor, and it sounds very bold but we are talking about one road. It is more a sustainable transport cul-de-sac that we are creating and I do not know how this fits into the wider St. Helier situation. I have a huge concern, which I will come back to in terms of what was said by the Constable of St. Helier as well when he pointed out, quite rightly, that we have declared a climate change emergency both as an Assembly and, very importantly, as a Parish which we are now meant to be addressing. When he did that I wrote down “climate change” - I like to make notes as I go along, I have been brought up well to do that - and then: “Really?” next to it because we keep picking out this phrase, this semantic addressing of climate change but, yet again, we are not doing anything that is going to make an overall sustainable impact. Now, I looked at this proposition and I have a policy of never abstaining. I believe that I am voted to vote yes or no for my constituents but I have never been closer to abstaining from something because I do not know what it is going to do. Part (c) has now been withdrawn which is wonderful because I was not entirely sure what it was, anyway. My issue is not about improving sustainable transport but every single path along the way has been objected to. We talk about a bus service, this bus that he is talking about, this hoppa bus does not exist, the electric buses they do not exist. It is not often that I agree with things that Deputy Martin says but she did make me chuckle when she talked about flying cars and, she is absolutely right, we may as well be talking about those. What is next? Perhaps flying carpets, they will be invented at some time. Perhaps we need to get a consultancy with Elon Musk or something and get some ideas from him because we are living in cloud cuckoo land when we come to the Sustainable Transport Policy. But there is a really serious effect, a serious side effect, that could be important here and that is: what we have got here is a green wash, a classic green wash. By closing off Broad Street we are going to create a sustainable transport corridor, yes, along Broad Street. Nowhere else in St. Helier. We are still going to have the problem of the Ring road which is not only pouring cars into Town all the time; I invite all of the Ministers to come and walk along Springfield by Springfield Stadium where I do my drop-in surgery and breathe the air. Come and breathe the air by Rouge Bouillon School, come and breathe the air by Springfield School. and indeed all of the schools inside St. Helier, come and breathe the air with me. I hope you are not asthmatic, that is all I can say, as I am, because I can certainly taste it and this does nothing, absolutely nothing, to address that. But what it does do, it takes officers away from topics. It was mentioned by, I think it was Deputy Morel, about how these are going to be repositioned. I would rather see that time spent on fixing the safety issues outside Springfield School that I have raised and been told: “Well it will be at least a year before anything happens.” That is not an adequate way forward and so yet again we have another scheme. Now the closing of Broad Street, the issues over businesses and so on, first of all, I do not think we know the impact of it, I do not think we know what it has done because I think there are a lot of pressure groups on both sides who want to see something happen. I absolutely understand the Sustainable Transport Group just thinking: “This is something. Something has happened. It is wonderful” but I will ask them to think we need to go for a much wider impact with our Sustainable Transport Policy. So, what else is there that I wanted to mention on this? There are phrases throughout this and I have picked some of them out “necessary steps to improve” and there is a mention of “measuring success”.

[14:30]

How are we going to measure success of this project? Trying to be as positive as possible, we do not even measure air quality. I have been asking about it for the last 3 years. We were promised a system that is not working. What are we going to measure? Footfall in town? But we have just been told it is not linked to driving into Town, it is linked to footfall and transport. The real issue for Town is

access to Town with a bus service that goes beyond 9.00 p.m. at night for people or 7.00 p.m. at night. The issue is the accessibility of buses and the affordability of public transport so it is a genuine option for families. If it is more expensive to bring your family into Town and back on the bus, you will take your car; it is simple. We have done nothing, absolutely nothing, to enable that but we have given vast amounts of money to the bus company to maintain the status quo that we have. Do I vote for this? I do not know. Vote for it, vote against it, abstain, it is going to absolutely make no difference because in the end we are going to end up with a mishmash of Broad Street is closed but apart from buses and apart from disabled drivers and apart from cyclists and apart from pedestrians. We have never, ever addressed shared spaces properly. So we have Members of the Assembly and Members out there who are really anti-cycling because of the difficulty with shared space. I sort of understand it but this is so solvable. Look around the world and it is solved by simply having proper markings, proper understanding, proper education for our population. I do believe that the Sustainable Transport Policy is meant to have that sort of education programme for the population to educate them on what a shared space is. It is not here. Instead we are spending hours talking about one street closed off every so often with ... and do not get me wrong, the lovely pieces of grass and the chairs are lovely, absolutely lovely. You can walk past the Government offices now without getting run over, although I will say that I am conditioned to walk on the pavement I have realised; I do not think anyone is walking down the street, which is one issue. I completely agree with cutting down emissions. I want to mention one other thing about diesel buses because, let us just have a tirade, let us enjoy ourselves. In terms of diesel buses, the opportunity to replace diesel with a renewable fuel and make that cheaper was refused by the Ministers and the Assembly, and I believe the Constable himself, and so the action did not happen yet again. Forgive me for my annoyance at this but we have spent so much time talking about a disjointed, complicated, confused minimal impact policy on Broad Street and we have lost track of everything else. I think that what needed to happen here was that St. Helier itself needs rather than ... well, let us put it this way. What this does, and really importantly, is it sets a precedent for *ad hoc* planning decisions that are not part of a plan for St. Helier. If that is the way that we are going to create a sustainable transport corridor, I will tell you what we are going to end up with, we are going to end up with the eastern cycle pathway which does not exist, or it does in dribs and drabs, because there was no co-ordinated approach to developing that in the long term. We are back there again and we are just going to do it with St. Helier at the same time where we are building more, and we are building more, and we are building more and everybody wants a car and everybody wants to drive. There are difficult decisions to be made about our transport policy, there are difficult decisions to be made about our health in terms of our air quality and the quality of our city, there are difficult decisions to be made about climate change. This proposition does nothing about those decisions and it is very rare that I have no idea what to do with voting for this because, to be quite frank and without being rude, I really do not think it matters because this will not achieve what people think it will achieve. I do not know if I am going to vote for these amendments. I do not know if the best situation is to give a reference back and say: "Please go away and come up with something with the Parish and the Minister and just say: 'You do not need to bring this to this Assembly and continuously waste our time'" because, let us be frank, you are not going to get LibertyBus to do what you tell them because they are going to do what they want anyway. Perhaps that is too frank for this Assembly but it is probably the truth. I will leave it at that but I am extremely disappointed of the way this has gone and the time and energy this has taken. We have a Sustainable Transport Policy, we have a town council for St. Helier, get together, sort something out. Come up with something co-ordinated, bring that to the Assembly as a bigger plan and let us do something before the next election. That is what I suggest we do.

3.2.13 Senator J.A.N. Le Fondré:

Yes, it is interesting coming in after the last speaker who has I think managed to add an nth degree of confusion on to the debate all by himself. I think, let us be clear, this is not about a Sustainable Transport Policy for St. Helier, this is seizing an opportunity which does exist, which is about maintaining an area which has been, when I say relatively traffic free, pretty well entirely traffic free,

as in vehicle traffic, other than deliveries and the occasional bus, *et cetera*, at the right times, for quite some time. If one is serious about indicating and trying to achieve any behavioural change during this time of coming out of COVID, now is the time to do it. If the Deputy as a St. Helier Deputy does not like this and wants to prevaricate and cogitate and have a perfect plan, then that is great. The reality is we will be talking about it again in 3 years' time if we are still all in the Assembly. But this is about seizing the moment and saying: "There is something we can do initially at relatively low cost", because we have been doing it already for quite some time, "of improving a small part of St. Helier and again sending that message around reducing the impact of the car." I take a number of the points he has made are correct; I can understand what he means about the ring road. I used to work on the edge of one part of that for quite some time, and fully agree with the amount of traffic in St. Helier. However, that is the reality of what we deal with and equally the reality of small roads that we have going everywhere and lots of houses either side. What I would like to do is commend the Minister, because he has had various grief at various points for the initial decision on closing Broad Street and then maintaining it, almost against all odds. But initially it was very much about the coming together of people at the top end, up by Charing Cross and the crapaud, or the "toad on the pole" as sometimes it is referred to, so it is not just about outside where the Government offices are at the moment, it is the entire length. What has become evident, and I think has become evident - certainly I am very supportive of the Constable's actions in this area - and certainly become evident to both me and him, that over a long period of time, over the last whatever it has been, 10 months or something along those lines, that at various times it has been noticeably better without having traffic using it as a thoroughfare. I think both Deputy Young and others have alluded to it as this point about using it as a bit of a rat run to get to other places. Then over time, and at differing points of time in the day, school children are using it and, yes, it is occasionally on the odd skateboard, cyclists are using it, generally they are being fairly careful and, yes, families pushing prams down there are using it. Therefore, that gives the potential indication of how that area could be improved further, so it is about changing behaviour. If we want to, I would suggest, start impacting on the usage of cars, then the big challenge which I would say would be one that we could achieve during the remaining life of this Assembly, is tackling parking and some parking charges but that is probably a thing for a different day. When we have been talking about the wording of it, and the Minister again will clarify, but on part (a) it is "to maintain traffic restrictions to support the principles of pedestrian-priority and through access by bicycle". I think that was the point, it was enabling access by bicycle rather than it being ... so clarifying that it did allow cyclists up in that area. The sustainable transport corridor is specifically in relation to that particular stretch of road because, as we announced earlier in the year, we are in discussions and funding and all the rest of it is being sorted, but we are intending to produce what I would hope is a big improvement for St. Helier. It has to then be seen if it works. It will be a trial scheme of what I think they are calling it the St. Helier link bus or the Town link bus. It will be a loop and enable short journeys to be made easily by bus. One of the things that is essentially part of this whole time period, and it is only until the end of this year, is how that route might work in Broad Street to date, it is quite an integral one for that, so this is about minimising the traffic impact on that area. I will just also challenge the Deputy who just spoke with his obsession on LibertyBus, or seems to be an obsession, or a negative obsession, with LibertyBus. Certainly from my experience, and I was around in what was then T.T.S. (Transport and Technical Services) under the present Minister when we had the handover of the contract from the previous incumbent to the present incumbent; it was difficult. But I would have no hesitancy at all in saying that the present incumbent up to pre-COVID has achieved significant change in how the bus system used to operate over here, its effectiveness and the significant increase overall that has taken place in bus ridership. From memory, it is something like an over-40 per cent increase. Now that has to be celebrated. I know the Deputy is obsessed with having free buses for everywhere, somewhere it has got to be paid for. I think one should focus on the differential between car usage and bus usage in price but that is not by making buses free. We have had those arguments and ultimately you end up with the wrong behaviour that comes through. But this is not a debate about the Sustainable Transport Policy, about the bus service, or the hoppla bus, or whatever you want to call it, it is basically: do we, as an

Assembly, support the Connétable and with the amendments, which the Connétable is supporting, of both the Minister and Deputy Gardiner which seek to just improve and clarify the proposition that the Connétable has brought to improve this small part of St. Helier in a good way? What I would just say, for me, it is very much a well-being exercise. I think the innovations that we have seen in the last week in the run-up to Liberation Day with the use of Broad Street and the bunting which is flapping outside my office usually, has been wonderful and it shows the type of things that we can do there with a little bit of imagination. But obviously the Minister has also alluded to, we have got to make sure, particularly for things like emergency services, we have got to make sure the access stays. So, I will just pick up on one comment, I think it was from Deputy Truscott, where he talks about the photographs and was waiting to see the tumbleweed. Obviously I have been in and out on to Broad Street quite a lot over the last 12 months and I see it at various stages in the day, and sometimes it is quiet and at other times it is quite busy, and I am talking all the way down. Therefore, I think it does have potential to be a significant improvement and, yes, there will be mixed views, but people's routes and habits have settled down when Broad Street closed. Obviously if one opens it, people will revert to type and it will be infinitely more difficult to address that in the future. The proposition is until the end of this year and essentially, flicking through the proposition, is for the remainder of this year, so effectively is a trial. There will be consultation, I think, during and particularly at the end of that process, as I understand matters, and I very much commend the amendments of the Minister, I am very happy to support those of Deputy Gardiner as well, but fundamentally I will be supporting the main proposition. I think it sends a good message and I think we, as an Assembly, should be getting behind it.

The Bailiff:

Chief Minister, Deputy Ward seeks a point of clarification from you, I believe.

Deputy R.J. Ward:

Yes, please, if I may. Just because we are talking about ...

Senator J.A.N. Le Fondré:

I am not going to seek to answer that. I think we have made all the comments we have made, and if he wants to talk to me afterwards he can do so.

Deputy R.J. Ward:

It is directly about something that was said in his speech, Sir.

The Bailiff:

Well, no, I am afraid, Deputy, the rule is that what you are effectively doing is asking the Chief Minister to give way for a point of clarification. If he does not accept that he should give way, then there is no possibility under Standing Orders of raising a point of clarification.

Deputy R.J. Ward:

Fair enough, thank you very much.

3.2.14 Deputy M.R. Higgins:

I will start from the beginning. I agree with the majority of what Deputy Ward said earlier but, unlike him, I know what I am going to do. I intend to vote against all the amendments and the proposition which may seem surprising as a St. Helier Deputy and wanting the best for St. Helier.

[14:45]

But I am being asked to support a proposition without knowing the impact on the road safety measures elsewhere in St. Helier and in particular in Districts 3 and 4. For example, road safety measures, including pedestrian crossings, have been identified and worked on by the department for some time. If this goes ahead, I do not know if those improvements are going to be made because

we are being told the department has only finite resources and if we have a consultation exercise, we are going to have to prioritise. I do not know where these road safety measures on the Inner Road in St. Helier are, and I do not think that Deputy Gardiner even knows, whether she will get the road safety measures that she would like to see on Queens Road. So, I find that unacceptable that we are going to be making a decision on this particular short stretch of road which, I agree with the Constable of St. John, is piecemeal planning, and I think others have mentioned as well. We have a proposal that some businesses agree with, others disagree with. We do not know if we are going to be having a bus service yet, we do not know, for example, all the other sort of changes that are going on around that area. I am still puzzled about knowing what is going on outside the Pomme d'Or with the road improvements there. Are we rerouting the buses? Maybe I have missed that. But there are things going on, it seems to be piecemeal, and we do not know what they are doing. The other point I would make is, the Constable is supporting this but what he is doing is encouraging the thing we have talked about for years, the gravitation of St. Helier towards the waterfront. All he has to do is walk down Queen Street and see how many shops are left there and as you come down King Street, how we are starting to lose shops there as well. Is everything gravitating down to this area? Is it part of the plan that once we have our new administrative headquarters in the area near the Cenotaph, are we trying to bring people down to that part of town? What do the shopkeepers think about that further out? So, I personally am not in favour of this as it is because I do believe it is piecemeal. I believe that the St. Helier Council should be involved in this and putting forward a proposal that I can get behind, and other Deputies can get behind, to improve St. Helier, and it would also meet again some of the objections that others from outside of Town have had. I think that probably covers everything I wanted to say. I am really disappointed with this debate; in fact, I wish it had gone back, and so I shall be voting against as it stands at the current time unless someone can come up with a really convincing argument for me to not do so.

3.2.15 Connétable R.A. Buchanan of St. Ouen:

Firstly, I think I speak for a number of Members, I am still a little confused about what we are voting for and, if we approve this, what we are going to get at the end of it. But notwithstanding that, I really want to express a bit of disappointment about what we have got to here and I can just refer Members back to something that happened in St. Ouen. You might think: "Well what happens in St. Ouen has no relevance to Town" but bear with me, please. We changed our zebra crossing up by our shops with the considerable amount of help from the Infrastructure team. The reason I am mentioning this is that, in my view, they went about the job in the right way. They drew up a plan, explained it to us, then they went out to consultation to the shopkeepers in the area, they then consulted the local residents in the area and then finally consulted the people that drive through the area. So, at the end of that we had a report back from them which told us in figures how many people were for it, how many people were against it and also gave us some evidence in terms of what their objections were. So when we looked at the proposition, we knew exactly what we were getting, we knew exactly who was for it, who was against it, and overall we knew what the overall benefits were to the Parish. It is a much simpler proposition than opening and closing Broad Street but nevertheless, as a Parish, we were able to look at this and make a balanced decision based on evidence and fact. Now, I have to say that during this debate I have heard a lot of hearsay evidence but I have not seen a lot of numerical facts or real evidence to back up what is being proposed and that to me makes it a very difficult decision. Do not get me wrong, I have a great deal of sympathy for the Constable of St. Helier. I am sure, and I have used Broad Street, removing cars from Broad Street does have benefits in terms of reducing pollution down Broad Street but then also there are knock-on effects to the shopkeepers in the area: do they want it, do they not? We do not know. We do not know how many of them want it or how many of them do not want it. We have no evidence from people who use Broad Street in quantifiable terms about whether they like it, whether they do not like it, what do they like about it, what do they not like about it? We do not have any real quantifiable evidence for any of the bus users. A survey surely should be done on bus users who come into Town. We hear a lot of hearsay evidence from people who say it is inconvenient, they will not use the bus because it is being dropped,

they are being dropped off at Broad Street. Well how many and how much does that make up of the total bus population that use Broad Street? These are facts frankly that we need to have in front of us before we can make a balanced decision. Because this information is not in front of us in the form of a report with detail in it, I find it very difficult to make a decision on this. Frankly, I think I would support the Constable of St. Helier because he is planning to do a survey but, to me, this puts the cart before the horse. We are being asked to make a decision about something when really we should be looking at the fact before we make that decision. I cannot see any facts. I can see a lot of hearsay evidence, I can see a lot of people who are happy about it, and I am of course hearing from people who are not happy about it, but how many, who and why? We need to know this information. In terms of the impact on the buses, how will this impact the buses if we do this? What will be the cost of the reroute? How will it affect their business and how does it affect the businesses in Town? How much footfall will they gain, how much will they lose? Has anyone asked them? I do not think so because I do not see that evidence. So, in short, I think we need to do a proper report on this and maybe if we approve this and then let the Parish of St. Helier or Infrastructure do this, we may be able to make a balanced decision, but at the moment I do not think we have the facts to make that decision.

3.2.16 Deputy G.P. Southern:

I really wonder, why oh, why, are we debating at length this amendment? It seems to me the amendment makes very little difference to what the Constable wants to do. He has already said he will accept the amendments, so we are spending what seems like hours discussing the minor details about something that may or may not happen and which is very little difference between one scheme and another scheme. I am particularly worried because this is a temporary scheme that here we are again mixing traffic with cycles with pedestrians willy-nilly on some street that is only temporarily altered. I wonder when we learn from our mistakes. Mixing traffic in another place in Town has already caused one death. Will we see another death here because we have got a temporary scheme that has just been cobbled together? It is not even permanent so we can make different markings, different road surfaces, *et cetera*. So, I cannot see the point in debating this much longer at the moment because it really is something and nothing. I am going to vote against it.

3.2.17 Deputy I. Gardiner:

I am pleased to follow the previous speaker because for me it is temporary, we are making a trial. We have so many debates in this Assembly that we do not have any evidence, but we are not allowed a trial. If we do not have a trial, we will not have any evidence and we are going around and around for 2 years. We do have a Sustainable Transport Policy, and I do agree with Deputy Ward that it has not been implemented as we expected. At the same time, we have a very specific scheme now that can be trialled and we probably will find the answers for the questions that were raised by the Constable of St. Ouen, which are very valid questions and we do need to have answers to them, but we do have an opportunity to try something new. Personally, I cannot hear anymore, review, review, review, review, review, review, and the discussion and the review and discussion, let us try to do something. We will have some evidence, we will do the consultation and if it does not work, will not continue from 1st January. I am a bit disappointed with St. Helier Deputies, interestingly enough. The Constable brought his proposition to the Deputies' meeting more than months ago. The Constable asked for our suggestions as Deputies. If you are not agreeing with the proposition as a Deputy, fair enough, express it. Personally, I did not want to review disabled parking, and I will speak about this in my amendment, and I brought an amendment to the Constable's proposition, which we discussed. We come here to try something new. It will be a bigger plan but we cannot continue to stop things happening because it is not fully presented and we cannot stop when it is a bigger presentation, we are saying it is not enough details and we are voting down this. So, I think we need to try something new and hopefully find evidence and make an evidence-based decision in January if it will continue or not. I will be supporting the Minister's amendment and I will be supporting the proposition.

3.2.18 Deputy R. Labey of St. Helier:

I share the frustration of other speakers. When the level of a debate on such a specialised and technical area descends into: “I saw a photo of Broad Street at 2.30 p.m. and there is no one in it” or: “Let us just go back to the way it was” we risk reputational damage, with the greatest respect. I have watched Broad Street an awful lot since this trial started and have used it an awful lot and Deputy Ward is right. It took a long time before people, and some do not even now, came off the pavements. We were all used to walking on some of those very thin pavements on Broad Street and we stayed there for a long time before we ventured out on to the road and believed that there was not going to be a bus coming down it. But things have changed and grown and, as I say, using Broad Street now, especially with the sun coming out, that area has completely changed in atmosphere and is starting to be used a lot more. Those silver benches around the tree planters, people are using them all the time to sit and gather and meet and talk and have a coffee. It just shows you, I do not want to create another pedestrian precinct, I want to create a place, a beautiful area where the cars and the buses and maybe the cycles are not. Not a pedestrian precinct but there is a big difference between pedestrian-priority and pedestrian-only. There is huge potential here if we are to take the traffic out of Broad Street in creating something very pleasing and very beneficial to the town. Whenever these sort of things are proposed, and I have seen it in London an awful lot, the traders generally are very wary of it and they have very often been proved wrong. When spaces are created that people want to use and be in, it does generate trade. So it is better than a precinct, it is better than King Street and Queen Street which is now just really a stampede of shoppers, because it is twice as broad but it is at the obelisk end, and there is potential there for a square. Well it is a triangle but it would feel like a square. So this original proposition from the Constable of St. Helier was to keep this trial going, keep the current status quo with no traffic at all, keep it going until the end of the year. I thought that was a good idea and that gave us the opportunity to see what happens through the course of the year, see what happens during the summer, see what happens around Christmas time and to collect the data and talk to people, talk to the traders, talk to those that are using it. I wonder if those senior members of our society who often like to use the post office and the Alliance next door now, whether they feel they are getting used to it and it is better and whether if there was a bus stop at the obelisk end, that might mitigate the fact that they have lost it right outside the post office. Because that road was always a bit tricky with people trying to cross it at the wrong places and with the heavy traffic. So, as somebody who is not into pedestrianisation per se, I have been convinced by the change in atmosphere that taking traffic out of Broad Street has created and one can see the potential for creating something that would benefit the town hugely and other areas will have to be found for hoppla buses or perhaps cycles as well and the big main buses.

[15:00]

One of those coming down every 15 minutes is going to destroy what is being created, what is evolving, what is happening before our very eyes. So my inclination, I am afraid, is to go back to what we were originally asked to trial and extend, the Constable’s original proposition, forget the amendments and give this a go, maintaining it, because it is going to be harder if we change back, to change back again. People have retrained and they are using the space well and enjoying it, I think. Let us talk to them, let us send some people down with clipboards and see what people have to say about it. But I think it would be retrograde to go back to how it was and I think we should go back to what the Constable was originally asking for here. Let us keep this going a little bit longer, see how it goes, talk to everybody, collect the data, but turning back the clock will set us back. I know that the Minister for the Environment wanted to speak in this debate again, he did not realise he had spoken last time, but we have so many people talking about improving air quality and the Minister for the Environment is at the vanguard of that always. Here is an opportunity but it does mean doing something bold and decisive and something that may not be universally popular yet until we have got all the pieces in place. It does mean making a difficult, tricky decision but I think it will be to the benefit of St. Helier, so I am going to reject the amendments, even on the Constable’s say-so, I am afraid, and I am just going to go with hopefully his proposition in its purity.

3.2.19 Senator S.Y. Mézec:

I will not speak for too long and I will try and restrain myself from having a rant even though that is what I feel like doing at this point because here we are again, our Island's Parliament pretending it is a 49-member traffic management committee. I really think that it is not right that our Island's Parliament involves itself in these sorts of debates. I said exactly the same thing when the debate happened on Green Street and I agree with every single thing that Deputy Ward said earlier about how these matters ordinarily ought to be dealt with. I will say though that, in among that feeling, I also have a bit of feeling of sympathy for the Constable. I can see why he wants to bring a proposition like this forward and, when push comes to shove, I reckon that closing Broad Street to most traffic would probably be a good thing. I do not quite understand a lot of the anger that the temporary closure of it has caused for people. I do not think it is anywhere near as inconvenient as it is being made out to be and I think it is something that could theoretically provide a very good opportunity for improving a part of our town centre and improving accessibility. All of that is theoretically something to be welcomed but I think part of the reason we are here with a proposition before us anyway is because of the utter failure there has been from the Government to come up with any sort of initiative, any real initiative, when it comes to the carbon neutral agenda and the Sustainable Transport Policy which, let us be honest, may as well not exist; it is a big waste of paper. So I can understand why it leads some people to want to try and take issues in isolation to at least end up with some progress rather than nothing but it is not a sensible way forward to have a better, more rounded approach to these issues that consider all the other issues to make sure it works in the long run. I think a much better way of doing this is not to debate this on the floor of the States Assembly but it is for the Minister for Infrastructure and his officers to be sat around a table with the St. Helier Council, the Roads Committee, the Constable and to do this properly. This is not the way to do it. I will certainly be voting against this amendment and when it comes to the main proposition, I probably will also as well. I know that will probably anger the Constable given that I said that closing Broad Street is probably a good idea but this is not the way to do it. We need to do much better than this and I hope the Assembly does not waste too much more time pretending to be a traffic-management committee because that is not what we are.

The Bailiff:

Does any other Member wish to speak on this amendment? If no other Member wishes to speak on this amendment, then I close the debate and call upon the Minister to respond.

3.2.20 Deputy K.C. Lewis:

Can I start by saying thank goodness for the mute button on my computer? I will start with the Constable of St. Helier with some very good points of target dates. Senator Farnham mentioned pollution and green diesel; we are trying to promote that as much as we can. In fact, most of the States fleet will be on green diesel in the very near future. We have been trying it as an experiment for a while and results are very good indeed. There is obviously a cost implication which we are trying to offset. We are trying to encourage LibertyBus to go green as soon as possible. There will need to be some adjustment there. They would need, I understand, written authority from Mercedes - this is just a routine thing - so it does not invalidate the guarantee of the engines. The Constable of St. John mentioned Vine Street. That is something we are looking at. There is some parking there which we can hopefully use but obviously when Jurats are sitting as, dare I say, High Court judges, or thereabouts, that they must have secure parking nearby which we are more than well aware of. Parking by the library, I would imagine the Constable meant Library Place, as the actual main library would be far too far away. That is something that is being looked at by the department. The Constable of St. Brelade mentioned electric buses. That is something we have trialled in co-operation obviously with LibertyBus. An electric bus was brought over and it was very successful. There was an electrical problem with the bus. It was just a loaner so that had to go back. But it is early days yet with electric buses basically with the infrastructure that we would need to charge all the buses, but that is definitely in the pipeline and I would like to see go electric as soon as possible. Again, Deputy Young mentioned green diesel and the Chief Minister mentioned prior to COVID the bus

service was up 40 per cent. It does irk me sometimes when the bus companies criticise because it has been mentioned in the Houses of Parliament, been mentioned at Westminster, that this is the way to run a bus company and they have done exceedingly well. Lots of companies around the world have got in touch to see how they exactly do it. Deputy Higgins mentioned road safety. Absolutely, road safety is paramount for us and the hoppla bus but that is why basically we need to take a bus down Broad Street because of the hoppla bus and the general service, so one bus every 15 minutes down there. Broad Street has to be kept open anyway to an extent because obviously up to 11.00 a.m. in the morning there are delivery trucks, refuse vehicles, and various other vehicles that would need to go down there to clean the area. As we found out to our cost recently, there was a very bad fire in the Charing Cross area and we would obviously need to get emergency vehicles down Broad Street should the need arise. I think Deputy Southern mentioned bus drivers, they are P.S.V. (public service vehicle) trained and extremely skilled drivers. I thank Deputy Gardiner for her kind comments. I am not quite sure where Deputy Labey is coming, stop cycling, but we are trying to go green, that is the whole thing. We will go as green as we can. Senator Mézec, what can I say? Thank you, I agree 100 per cent; we cannot have 49 traffic managers, but Infrastructure does its best. We are behind on the programme, that is for sure. We have had people that have left and moved to the U.K. We get people retiring and we are training people up as fast as we can in the department. We often get accused of taking experts from the U.K. That is not happening through COVID, we are not going to get anybody over here, it is not really on. A sustainable transport corridor reflects the S.T.P. (Sustainable Transport Policy) transport hierarchy: walking, cycling and then buses above single-occupancy private cars. This might be semantics but I felt it important to make the point and such a corridor would provide a bus advantage route. We are encouraging people to get on the bus, not use cars. Members complaining that nothing is happening, all I can say is, watch this space over the next 3 or 4 weeks. We have got the eastern bus lane opening up in the not-too-distant future. Further into the future the western bus lane, which will cut 10 minutes off bus routes. It is all happening as fast as we can get it going. I will not go on too long. All I can say is thank you for Members who did support this but I say this is about getting people on the bus. It is not about pollution, the Minister for the Environment is doing what he can monitoring the pollution but, as I say, there are an awful lot of people with mobility problems who want to get the bus straight into Broad Street, get off, do their shopping, get on and away again. It is a long walk from the bus station and, we have spoken to LibertyBus, it is not practical to have a bus going up Church Street. It is simply not practical to do that. So, I will ask Members if they would just vote for 1, page 2, paragraph (a) and, 2, page 2, paragraph (b) and, as I say, 3 has been withdrawn. So I ask Members for their support.

The Bailiff:

Minister, Deputy Southern asked for a point of clarification. Do you give way for a point of clarification?

Deputy K.C. Lewis:

Indeed, Sir.

Deputy G.P. Southern:

Yes, the Minister said I mentioned bus drivers, I did no such thing.

Deputy K.C. Lewis:

I beg the Deputy's pardon but somebody mentioned the quality of drivers. No, not mentioned bus drivers, I beg your pardon, the Deputy said someone has already been run over and I am illustrating the point that the Liberty Bus drivers are P.S.V. trained and very, very skilled. That was the point I was making.

Deputy G.P. Southern:

Yes, but it was a car.

Deputy K.C. Lewis:

Apologies for any misinterpretation.

The Bailiff:

Now, do you wish to take these paragraphs separately, Minister, or to deal with them together?

Deputy K.C. Lewis:

Yes, we can take them separately.

The Bailiff:

Then the vote is on paragraph 1 and I ask the Greffier to put a vote into the link. I open the voting and I ask Members to vote in the normal way. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The first paragraph has been adopted:

POUR: 27	CONTRE: 17	ABSTAIN: 0
Senator I.J. Gorst	Senator T.A. Vallois	
Senator L.J. Farnham	Senator S.W. Pallett	
Senator J.A.N. Le Fondré	Senator S.Y. Mézec	
Senator K.L. Moore	Connétable of St. Saviour	
Connétable of St. Helier	Connétable of St. Martin	
Connétable of St. Brelade	Connétable of St. John	
Connétable of Grouville	Deputy G.P. Southern (H)	
Connétable of Trinity	Deputy M. Tadier (B)	
Connétable of St. Peter	Deputy M.R. Higgins (H)	
Connétable of St. Mary	Deputy of St. Martin	
Connétable of St. Ouen	Deputy R. Labey (H)	
Deputy J.A. Martin (H)	Deputy S.M. Wickenden (H)	
Deputy of Grouville	Deputy G.J. Truscott (B)	
Deputy K.C. Lewis (S)	Deputy of St. John	
Deputy S.J. Pinel (C)	Deputy R.J. Ward (H)	
Deputy of St. Ouen	Deputy C.S. Alves (H)	
Deputy L.M.C. Doublet (S)	Deputy K.G. Pamplin (S)	
Deputy of St. Mary		
Deputy J.H. Young (B)		
Deputy L.B.E. Ash (C)		
Deputy K.F. Morel (L)		
Deputy G.C.U. Guida (L)		
Deputy of St. Peter		
Deputy of Trinity		
Deputy M.R. Le Hegarat (H)		
Deputy S.M. Ahier (H)		
Deputy I. Gardiner (H)		

The Bailiff:

We now move on to the second paragraph of the amendment and I ask the Greffier to put a vote into the link. The vote is now on the link and I open the voting and ask Members to vote.

[15:15]

I am not counting anything that appears above the link. It is only those that appear under the link that will be counted. If Members have had the opportunity of casting their votes, I will ask the Greffier to close the voting. Paragraph 2 has been adopted:

POUR: 27	CONTRE: 17	ABSTAIN: 0
Senator I.J. Gorst	Senator L.J. Farnham	
Senator J.A.N. Le Fondré	Senator T.A. Vallois	
Senator K.L. Moore	Senator S.W. Pallett	
Connétable of St. Helier	Senator S.Y. Mézec	
Connétable of St. Brelade	Connétable of St. Saviour	
Connétable of Grouville	Connétable of St. John	
Connétable of Trinity	Deputy G.P. Southern (H)	
Connétable of St. Peter	Deputy M. Tadier (B)	
Connétable of St. Mary	Deputy of St. Martin	
Connétable of St. Ouen	Deputy R. Labey (H)	
Connétable of St. Martin	Deputy S.M. Wickenden (H)	
Deputy J.A. Martin (H)	Deputy G.J. Truscott (B)	
Deputy of Grouville	Deputy K.F. Morel (L)	
Deputy K.C. Lewis (S)	Deputy of St. John	
Deputy M.R. Higgins (H)	Deputy R.J. Ward (H)	
Deputy S.J. Pinel (C)	Deputy C.S. Alves (H)	
Deputy of St. Ouen	Deputy K.G. Pamplin (S)	
Deputy L.M.C. Doublet (S)		
Deputy of St. Mary		
Deputy J.H. Young (B)		
Deputy L.B.E. Ash (C)		
Deputy G.C.U. Guida (L)		
Deputy of St. Peter		
Deputy of Trinity		
Deputy M.R. Le Hegarat (H)		
Deputy S.M. Ahier (H)		
Deputy I. Gardiner (H)		

3.3 Pedestrian-priority in Broad Street, St. Helier (P.28/2021): amendment (P.28/2021 Amd.)

The Bailiff:

We now move on to the amendment proposed by Deputy Gardiner and I ask the Greffier to read the amendment.

The Greffier of the States:

Page 2, paragraph (c) – For paragraph (c) substitute the following paragraphs and re-designate the subsequent paragraphs accordingly – “(c) to review and, where necessary, take the necessary steps to improve – (i) cycling access to Broad Street, and within the pedestrian-priority area; and (ii) servicing and delivery access to business premises in the pedestrian-priority area. (d) to introduce by 31st July 2021 – (i) extra on-street parking for disabled drivers in the central Town area, particularly

in close proximity to Broad Street; and (ii) following consultation with LibertyBus, bus services to, and from, the pedestrian-priority area.”

3.3.1 Deputy I. Gardiner:

I will try to make it as quick and clear as possible. When I looked at the original proposition, at part (c) of the original proposition I was struggling with the word “review”. I took (i) and (iii) from part (c) so part (c) of the original proposition remains as it is without point (i) and point (iii) and what I asked in place of (d) is to introduce by 31st July extra on-street parking for disabled drivers in the central Town area, particularly in close proximity to Broad Street and, following consultation with LibertyBus, to and from the pedestrian-priority area. My amendment is to remove the need for this review as we had a conversation over the year about options and to allow steps to be taken further without delay to improve the issues raised by elderly and disabled people and several constituents of mine. But from what I now understood from previous speakers like Deputy Truscott, the Constable of St. John and the Constable of St. Brelade, the issues of disabled parking and buses was raised with them and these were the main concerns that people had against closure of the street. St. Helier is changing and no longer just a shopping area for the rest of Jersey, even though it is still a shopping area and we would like to have a vibrant high street. We need a middle way, a balanced approach to manage St. Helier in a way that is good for all residents and businesses and it is a very challenging path. We will never get it 100 per cent right. We need to accommodate the needs of the less mobile while also creating more walking and cycling routes. I want to find a solution that benefits everyone and clearly taking away a bus stop and some disabled parking is not a win-win situation. There is no scenario where we take away the bus route and disabled parking to win everyone and this is the reason that they oppose the review and asking to take connection and introduce this to things within the trial of closing the street. The closure of the street will increase walking and cycling in the centre of St. Helier and at the same time will retain the current level of convenience for bus users and disabled drivers that they had before the pandemic. For me it is important that it is a trial. We will get a better understanding of what works and what does not work and we can make a more considered decision later. I move my amendment forward.

The Bailiff:

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

3.3.2 Deputy R.J. Ward:

I will try to include an obsession with buses and I hope the Minister for Infrastructure is professional enough not to mute another States Member when he should be listening to a debate, because I believe the Minister should have the courtesy ...

The Bailiff:

Can I interrupt you there? If someone is muted, they are not able to be heard. I do not think the Minister was suggesting he was not listening. I think he was suggesting it was better that he did not have a chance to speak.

Deputy R.J. Ward:

I interpreted it in a different way, Sir. Thank you. I am glad you made that because I am sure that would not be the case, thank you. Let us get onto my obsession with buses and I am quite happy to answer a clarification from the Chief Minister. If he wants to talk about an obsession with buses I am happy to clear that up. Buses are a really good means of green travel, particularly if they are done properly. A bus access to this road at the end of the road is common sense. I totally agree with Deputy Gardiner. I will vote for this amendment, do not get me wrong. But my worry for the Deputy is in dealing with LibertyBus and consulting you will not necessarily get what you want and this has been the problem all along. This is not about having a downer on a company. I do not know anything about the company. We certainly cannot find out much about their accounts and finances and where the money we pump into this company goes to, so that is another reason why perhaps I have an

obsession. We need to be careful that we have yet again a good attempt to try to improve what is a rather esoteric proposition that promises so much but does not do a lot, to try to put some meat on the bones, if I may use that phrase. To say “to review and where necessary take the necessary steps” to do something, that is great. Cycling access to Broad Street: I believe that cycling access is already there. Ironically, when I cycle in, which is quite frequently, I do not cycle along Broad Street because I come along the pathway, cross over and then come along on the road that hits Broad Street at the top so I avoid Broad Street because there is no way into Broad Street that way cycling, and on the way back it is easier to go the other way, but that is much of a muchness. In terms of service and delivery access to business premises, may I contribute something constructive there? You could do that. I would have liked to see, and the Constable of St. Helier knows about this because he knows the businesses in Town. One business in particular that I know of, or a couple of them, use cargo bikes for their deliveries and if you want to seriously talk about delivery and not interrupt delivery to businesses, why not use cargo bikes? Then you could do something about cutting cars and diesel engines in that area. I understand the concept of a middle ground but sometimes in the middle ground you lose the benefits and I am worried that may happen here. I would like to think really carefully about that. On-street parking for disabled drivers; yes, absolutely, it is something again that we need to make sure we do. What we need, though, and what needs to come are 2 very important things. One is to get clear once and for all the way that shared spaces work and how that shared space is going to work in the centre of Town. You hear so often that those cyclists will just drive right into you without even thinking. I do not think that is the case. There are exceptions to every rule, but I think we need to work on that. Secondly, whenever we have a review, if you review anything, if you want to find out, you have to be clear about the success criteria of that review. I would like to ask, because it was said we will get better understanding, what the understanding is that is being looked for. Is it the level of pollutants? Is it the level of particulates at particular times during the day in that area? If so, you will need to monitor it. I will say again, good luck with that one. Is it the number of cars? Is it the number of people whom are walking through that area? Is it the number of people sat around having a cup of coffee? Deputy Labey mentioned a great point that it could be a really nice, vibrant area, and we all want to see that. When you used to go to cities in Europe and visit for the weekend and so on, it was great sitting out there. It was fantastic, and there are spaces in Town that works. Around Millennium Park it is an absolutely beautiful space in the summer. You can sit outside at the cafés and it is fantastic, and I would love to see that for the centre of St. Helier. But we need to know, if we are reviewing what we are reviewing, what the success criteria are. Otherwise, we will end up with lots of numbers and lots of sentences and no conclusion again. Being critical, I am afraid we have seen so much of that, particularly around the area of climate, *et cetera*, and until we see some concrete outcomes, some real changes and some genuine improvements to the areas we are trying to improve that are directly relevant to this, then this is just a greenwash and that is counterproductive for any move forward in addressing climate change, addressing our impact on our environment, because we feel we are doing something but we are not. Let us commit to a review. I can honestly say I have committed to review my weight, my eating habits, my levels of exercise. I have done so for many years but I am not sure I have had the outcomes I wanted and I just hope we do not do this again with yet another project. For those who are interested, yes, I will speak in a further debate and I will try to mention buses again.

3.3.3 Senator K.L. Moore:

I have a lot of sympathy with Deputy Ward and his comments about greenwash. We had a lengthy debate during the last debate and it was sad to hear Members express their frustrations and cynicism in relation to these matters. On balance I voted in favour of the previous amendment and I will be voting in favour of these amendments because we have to do something. So little has been done in relation to the Sustainable Transport Policy and the arguments have been well-rehearsed. For example, at the beginning of this term I spent some time talking to people about cycling and how we can encourage cycling, particularly in and around St. Helier, which is particularly difficult to navigate on a bicycle. I was told at that point that there were moves underway to create a corridor of trees that

anyone entering St. Helier on a bicycle would be able to follow the trees and know that was the route for them to take. There is still no sign or sight or even talk of that corridor of trees, which is a great shame. I will support this as an attempt to see some credible move in the right direction, although I absolutely take on board the fact that it is not connected to any other cycle route, which is a great shame. We have an incredibly long way to follow. But I will also support this amendment by Deputy Gardiner because in the true sense of representing her constituents and listening to the public, particularly those who have specific needs, she is meeting those requirements and needs by bringing this amendment and helping to assist those who may struggle with mobility and getting around Town and who may find the move to pedestrianise Broad Street a matter of difficulty for them, so I commend her for doing that and I will support her amendment.

[15:30]

3.3.4 Deputy J.H. Young:

I very much agree and am in support of Deputy Ward. Deputy Ward has a very clear view and full marks to him. He is absolutely right. Deputy Ward has a vision of environmental transformation of society and increasingly one shares and understands his frustration with the rate of progress. In a perfect world I would absolutely agree with that very much. I want to see that too. But over the years I have certainly become, as the previous speaker spoke about the word “cynical”. Is it cynical? I think I have had to be realistic with our system, which I believe is not good, the way our government system is organised to be able to achieve that level of visionary transformation change, with a buy-in from our community and policies. That is a story for another day and I am very pleased there is work going on with what we can do to improve it. In the meantime, we have to make progress by steps. Every time we manage to get one move forward, we should bank it and celebrate it and try to build upon that to the next. That is the approach I have taken. It does not stop us shooting for the stars but arriving at the moon is pretty good. That is what drives me here when I am faced with choices like this. It is very frustrating that what we had was I thought a quite decent, clear amendment from the proposal from the Connétables and then we are into what is frankly a chaotic debate on bits and pieces of amendments and contradictions and so on. Frankly, I have struggled with this to make head of it, like other Members. In the end I came down to the fact that, okay, there is a vision there that we cannot achieve on day one, therefore the Minister for Infrastructure has done an amendment to try to find a middle way that is going to make progress but gives him the opportunity to move and respond, so I supported him. On point (a), I have never had any problem with that. On point (b) I gave him the benefit of the doubt although I was troubled with what was said about the bus service saying it is not possible to do a bus service through the middle of Town other than go through Broad Street. I hope in supporting Deputy Gardiner’s amendment that the inclusion Deputy Gardiner put under point (d), which is about following consultation with LibertyBus, bus services to and from the pedestrian-priority area, I want to see that and I very much hope the Minister for Infrastructure will take that seriously. Rather than shut the door on finding ways of achieving an alternative to blasting a bus down Broad Street, just doing it a few metres down the road in Church Street or in Library Place I think is worth discussing. I very much agree too with the first point, (d)(i), about extra on-street car parking because we need to provide for disabled drivers in the central area and I heard the Minister say it is too far away. Is Library Place really too far away from the central area? I ask the Minister, I have given him support and the benefit of the doubt. I hope this amendment of Deputy Gardiner will go through and we will have an element of delivery. Yes, we have the words used now that is now called a sustainable transport corridor. Do you think anybody quite knows what that means? Nonetheless, I cannot argue against the principle because it sounds right but it is for the Minister to translate it into action. I hope the Minister and other Members will also embrace Deputy Gardiner’s amendment and the whole thing is then agreed and we have a decent trial. If things do not work, we can change it and adjust it and I think at least we make some progress. That is why I will support Deputy Gardiner.

3.3.5 Deputy G.P. Southern:

My colleague, Deputy Ward, is absolutely spot on. It is greenwash. I cannot vote for greenwash.

3.3.6 Senator S.C. Ferguson:

I was thinking back that I used to have a shop in Halkett Street and I remember the kerfuffle when in those days you could drive up and down it, which was positively lethal. There was a terrific furore when it was pedestrianised but in fact it was so much better. The goods you had in the window did not get covered in particulates. I may not believe in climate change but I do believe in environmental stuff. I also had a shop later on next to the post office on Broad Street. The windows needed cleaning at least 3 times a week and the same with the clothes in the window, everything was absolutely filthy. On one occasion the shop was selling kilts and things Scottish so one Saturday I had a piper play outside the shop. That was a forerunner of the Connétable of St. Helier's idea of busking and so on. However, eventually the police came round to ask me to tell them to stop because the traffic was backed up all the way to West Park. I know we will have to think outside the box but in fact it does make a much more pleasant environment in Town and I will support this amendment of Deputy Gardiner.

3.3.7 Deputy K.C. Lewis:

To clarify, as you very kindly did earlier on, I get a little frustrated when I get misquoted so I mute myself prior to shouting at my computer. I would not dream of muting anybody else. In response to Deputy Ward who mentioned cargo bikes, they are a different frame, weight and size and I signed off on this about 3 weeks ago, so cargo bikes are definitely happening and they are in general use now and we encourage people to use them. I have been cycling around the Netherlands for some time and I have been enrolled in the Delph Cycling Academy so I am picking up lots of tips from them. I am very happy to encourage more cycling. Deputy Young mentioned a bit of misinterpretation. I did not say Library Place was too far. I thought a previous speaker had mentioned the library, which would be too far away, and then presuming they meant Library Place. Regarding disabled parking, we already have disabled spaces that we always try to increase. We have 34 spaces at Sand Street, about 100 yards away. We have 24 dedicated disabled spaces plus Shopmobility of a further 10. These are reserved spaces, plus anyone with a disabled badge can park on any floor at any time, which gives 500 spaces feasibly. I am keen to support Deputy Gardiner. I will do my very best to reach 31st July. It is not an easy target to hit but I will do my very best.

The Bailiff:

Thank you very much, Minister. Does any other Member wish to speak on this amendment? If no other Member wishes to speak on the amendment, I close the debate and call upon Deputy Gardiner to respond.

3.3.8 Deputy I. Gardiner:

Thank you to everyone who contributed to this debate. I would like to echo Deputy Young's comments about the vision that Deputy Ward has and I see lots in common with our vision. We worked a lot together around the Sustainable Transport Policy and I commend him for his dedication to this. I also thank Deputy Ward for bringing up the cargo bikes. It has been a very clear and practical to the debate. We need to work a lot with LibertyBus and we need to look at what is the next step for Jersey with the bus engagement. Another point is it is definitely important to look harder at shared spaces. We do not have experience. We do not work with shared spaces and probably, as is happening in Europe, we will need to look more and more into the shared spaces as the space is limited in Jersey. Thank you for Deputy Young and Senator Moore for their support as I am echoing and agreeing, this is the attempt to move in the right direction. These are the steps we are trying to be practical. Yes, it is not perfect, but let us try. Hopefully it will not and if we try and it did not work then we say we tried and we can maybe adjust it. Thank you for the Minister, and I believe the Minister will do his best to find an alternative solution for the bus stop from the pedestrian area, not just to the bus route, and also for the disabled parking spaces in the proximity of Broad Street. I hope it will work out in the best interests of everybody, because if this street can be

pedestrianised and at the same time we can address the needs of residents that have special needs it will be more of a solution. I am grateful for Senator Ferguson, bringing this example of Halkett Place because I was not aware. I probably was not here. I do not remember this was open for the traffic. The process that people pass that they were not happy and how it can work with that but it does work and we all now enjoy this pedestrian space in the centre of St. Helier. I would like to finish my closing speech with echoing Senator Ferguson. Let us think outside the box. It is much pleasant places can be done in Town and hopefully it will work.

The Bailiff:

Thank you very much. I ask the Greffier to place a vote into the link. The vote is on Deputy Gardiner’s amendment to the proposition. I open the voting and ask Members to vote. If Members have had the opportunity of casting their votes I ask the Greffier to close the voting. The amendment has been adopted:

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

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

3.4 Pedestrian-priority in Broad Street, St. Helier (P.28/2021) - as amended

The Bailiff:

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

[15:45]

3.4.1 Deputy L.B.E. Ash:

The Assembly never ceases to amaze and amuse. We move very easily from international incidents and high finance to what can best be described as parochial matters in a seamless manner. The Reform Party have provided both today. We had an amazing moment for me. Deputy Southern spoke a lot of sense about wasting time on an amendment or amendments that made little difference and he was absolutely right. I think 2 hours on something where many should have been speaking on the main debate and we spoke on the amendment. We had Deputy Ward declaring that he was finding it very difficult to speak. But then he spoke for about 20 minutes, so he obviously got over that difficulty. Senator Mézec made a very valid point where he said that we have 40-odd town planning experts and that is true and at times we have to trust what experts would tell us. Of course, just before lunch, we had Deputy Tadier talking bollards, which may or may not amaze. But he also mentioned his dislike of the phrase “town centre experience”. I am fully with him on that. It is one of a number of awful modern idioms that have entered Government parlance and modern-day parlance. I am not a believer in the death penalty, but if I was I think I would bring it back for expressions such as that blue-sky thinking, *et cetera*. But let us go with what he said about that particular use of the town centre, shall we phrase it that way. It is just to look at this in 3 different ways of why you would vote for this particular proposition that is put forward by the Constable, well-meaning thought it may be. If you are voting to make cycling easier, and I know we have several Members who would probably see Robert Mugabe as a decent sort of bloke if he had worn Lycra, but if you are voting for that then, yes, you are probably right. It will make cycling easier and perhaps it is something we should be looking at. If that is your reason for voting it then that is 100 per cent correct. If you are looking for it to be a panacea to the ills of the high street then I am afraid that you are barking up a completely erroneous tree. The high street’s problems are many. Principally, in my view, the internet. The internet has taken over the high street, not just in Jersey, but throughout the United Kingdom and indeed the world. Jersey has its own particular problems with ludicrously high rents, retail rents I am talking about; I know that Senator Mézec also has a problem, and I think we all do, with housing rents. But retail rents are just as high. We have perhaps one of the best locations of any shop in St. Helier in what used to be the Beghins site and it has now been empty, I would guess, for getting on for 2 years. Again, principally down to the high rents charged. So we are not going to move away by opening Broad Street to suddenly revitalise a high street riddled with high rents, so let us put that on the table. Also, if we are looking to vote to make life easier for many elderly or disabled people, then again we will not be making life easier for elderly and disabled people. Many elderly and disabled people use Broad Street to drop off their elderly relatives or disabled relatives where they can skip across the road to Marks and Spencer’s and do the shops in that vicinity and then be picked up again. I know we often overlook the elderly, and have done as an

Assembly to my great regret. We have too often focused on other areas and it is something we really should get back to focusing on. But those are my views on this and it is something that people should reflect on before they vote on this.

3.4.2 Deputy K.F. Morel:

It has been a frustrating but also very interesting debate and there is no question I hear those who have said: "Let us make this decision based on evidence." Because one of my commitments when I joined and stood for this Assembly was to try to banish the days of evidence-free decision making, which recurs and recurs and recurs. I also feel what must be the frustration of certain Members of the Assembly who have brought propositions where I have quite reasonably said: "I would love to support your proposition but this proposition needs to be part of a wider plan." I am thinking of the free buses or free G.P.s (General Practitioners). I remember Deputy Southern's free G.P.s proposition, saying the Minister for Health and Social Services has said that he is bringing forward a plan; this needs to be part of that plan, it cannot stand alone. I said similarly to Deputy Ward on his free buses propositions, and I mean that. So now to seek to be on the other side and to see a proposition that is not really based on any data or any evidence, but being supported by senior Members of the Government, makes you think, hold on, but I voted down propositions in the past because they were not part of a bigger plan. Now we have senior leaders in the Government asking us to do exactly that, vote for something that is not part of a bigger plan and really should be part of a bigger plan. So, in the absence of evidence, data, as in empirical evidence, where do we turn? The only place I can really think of turning is to places that have also pedestrianised in the past. One place we could look at is King Street and Queen Street, which, I believe before I was born, have traffic running through them and now seem to be highly successful shopping streets. Certainly, while obviously COVID has massively reduced footfall in those streets, before COVID they were streets that were packed, particularly throughout the summer. We can look to those streets here in Jersey, but we can also look elsewhere. This whole debate brought to mind an article I had read about the experience of a town in Galicia in Spain called Pontevedra. I looked to that for evidence. Interestingly, the article starts with: "People do not shout in Pontevedra. With all but the most essential traffic banished, there are no revving engines or honking horns. No metallic snarl of motorbikes. None of the usual soundtrack of a Spanish city." Now, do not get me wrong, Broad Street has never been quite that metallic soundtrack of a Spanish city. But still it has had engines, it has had revving, it has had the beeping of horns. At the moment, those are gone. Also look down, and perhaps slightly more empirical rather than quantitative evidence, on the same streets where 30 people died in traffic accidents from 1996 to 2006, only 3 have died in the subsequent 10 years. So road traffic accidents immediately reduce. CO2 emissions are down by 70 per cent. Nearly three-quarters of what were car journeys are now made on foot or by bicycle. Importantly, while other towns in the region of Galicia are shrinking, Pontevedra has gained 12,000 new inhabitants. Again, I am not claiming that the pedestrianisation of Broad Street will gain any new inhabitants to St. Helier, I am sure people will come to St. Helier regardless. But the idea that pedestrianisation revitalises somewhere I think is there and can be seen empirically. So what I am saying is that I agree that this is an evidence-free proposition, sadly. I wish it was not. But it has an important caveat and that is that it is a trial until the end of the year. It is during that trial that we need to gather that data and that evidence. Unfortunately, the proposition also just requires the Minister to report to the Assembly, which does not mean the Assembly is going to vote on it and I think that is really important. Anyone who thinks we will get to vote on this again, we probably will not. The Minister has to provide a report; that is it. But of course if that report is in any way negative, or perhaps of inadequate quality, then any Member of the Assembly can choose to bring a proposition saying that trial should come to an end. On top of that, I have thought in my position, with delegated responsibility for retail, what can I do? Can I do anything at all? Because, at the end of the day, I am interested in this from a retail perspective. I feel that it is likely, when I look at the experience of towns like Pontevedra, when I look at King Street and I look at Queen Street, it is likely, in my opinion, that those shops on Broad Street will benefit from the pedestrianisation of Broad Street and

an attractive area to walk down. But, we need to count that and we need to know whether that is the case, and so what I will do, following this, is I will look at the various means to see if it is possible to get another footfall counter on to Broad Street. That would fit in with the interim retail strategy and that would give us, especially if it was done as quickly as possible, a sense of the data as to whether the pedestrianisation has increased people's shopping activity in Broad Street. I cannot guarantee that I will get that because it will need funding, we will have to find the funding from somewhere. But it is something that I will certainly look into and I will try my best to get it in there. Moving on from there, if it does end up being pedestrianised, we really should have footfall counters in Broad Street. We should understand what is happening to the retail stores in that area going forward. So, it has been a tough one for me, this one. I do not like the lack of evidence. But I do feel there is evidence from here in St. Helier, just enough evidence here in St. Helier, from towns like Pontevedra, to tell me that it is worth a trial, it is worth a go. I look forward to that report and I hope that a footfall counter will also provide data for that report at the end of the year from the Minister for Infrastructure. As such, I will be supporting this proposition as it stands. But I can understand people's reservations, I really can, and I can understand why St. Helier Deputies who might be the ones who you would expect to support this proposition have those reservations, particularly when those very Deputies have constantly been told by Ministers, including the Minister for Infrastructure: "No, we cannot do your proposition because it does not fit into our wider plan. It is not part of that wider plan." Ministers, you cannot use that argument anymore because you are asking us to discard that argument now. So, with that, I say I will be supporting this proposition but there are many caveats and I will do my best to see if we can get a footfall counter in Broad Street to help us determine whether the trial is successful or not.

3.4.3 Deputy R.J. Ward:

I am speaking because I know Deputy Ash will miss it if I do not. There are a couple of things I just want to go through because this is the final proposition and it is very important that we know what we are doing here. I will just go through it briefly and make some suggestions. Part (a) to maintain the current pedestrian-priority for the remainder of 2021 and then it is a trial. I can understand that. I can see where we are and as long as it is a trial and there is a review. Part (b) is very interesting, to work with the Parish of St. Helier and other interested parties to facilitate and enable initiatives and enhance the appeal and the vibrancy of the pedestrian-priority area subject to public health restrictions, *et cetera*. So what I would like to say to the Connétable is I think one of the things that would attract people is to have music in that area, live music. I am very, very concerned about what is effectively the death of live music in pubs and in public venues. I believe it is in part due to the licensing system for live music. So, when we look at these sort of areas, and we are trying to build them into wider areas, perhaps we should be looking at those types of systems. How do you enable live music in pubs and bars and in public spaces, which does attract people, particularly as we move out of COVID? Let us be honest, we could all do with a bit of live music at the end of COVID. It is good for the soul.

[16:00]

So I would say that when you are looking at these sorts of improvements, do not just think about street furniture or pieces of grass, but look wider at what type of things attract people into a town and make it vibrant and an exciting place to be. To be honest, if you have less people living there late at night and more businesses, then the opportunity to have music without disturbing the locals who live there is an opportunity that one could be taking. That is one of the things that we should be doing. I am concerned about the word "review". We have heard it, if I had a penny for every time I heard "review" I would have 326 pennies ... I do not know how many, but I would have quite a few. Not enough to have a down payment on anything, but there you go. But it is the outcome. I understand the sort of catch-22 situation regards data, you have to do the review to get the data and you cannot have the data if you do not do the review and you have to have the data before you change anything. But we have to look at what we are looking for. I am still in my mind, and I would like the Connétable

to address the issue of what will you be looking for in this review? Is it footfall? Is it air pollution levels? Is it the number of cars? Obviously, there will be less cars. Is it the use of buses? Is it some sort of qualitative survey of people in Town, asking them whether they think there is an improvement to the atmosphere, *et cetera*. What is it that is going to prove, later on in the year, that we keep this going or, more importantly, that you stop it and you reverse it? Because a review is no good if you do not have an outcome that goes both ways. Cycling access in Broad Street, I want to reiterate, and I am going to say it again, about the education in the use of shared spaces needs to happen. We are not taking that far enough on the Island because I do not think we are serious about the creation of proper shared spaces and the benefits of them. That is a massive, missed opportunity, we should be doing it now. I want to say obviously a bus service is a very important thing. We have talked about a hoppa. I would like, if possible, it would be kind, given the amount of time I have spent talking about buses, if I could be the first person on the hoppa. Even perhaps, and I know the Connétable likes to do this, but perhaps I could cut the ribbon on the hoppa. As a benefit, I could ask the Chief Minister if he would come with me, we will have a bus ride together, and enjoy ourselves. It might be a really good idea. With that, let us give it a go. We have got rid of the amendments that seemed to me to be nonsensical. We have an amendment that has some action. But I do need to be convinced that something is going to change by the end of this review and I want to see what the review is coming up with. If the Connétable can address those issues then I would support him.

3.4.4 Senator S.C. Ferguson:

If we are going to have an overall review of traffic, then perhaps there are one or 2 areas we should pay attention to. Our tourists and the locals like a shopping experience with shops that are not the same as Watford, Wilmslow, or any other suburb. Some of our Members are probably too young to remember super shops like Marcel Jacques, Finesse, Peter Baker, and so on. I also remember King Street, Queen Street, carrying traffic and you could park on King Street. Cars were a lot smaller then. Can we do something when Deputy Ward talks about the shared spaces, one of the big education areas for that is cyclists. How many times have we been nearly run over by cyclists or we have been stuck behind a score of cyclists in their semi-transparent Lycra panting up Mont Les Vaux? Why do they not use the Railway Walk? Is it not time to consider licensing cycles for adults? Another thing to look at, when we get tourists coming into Town, if they are coming from France for instance, what routes do they take? When I had my shop, they used to come in from the harbour, they used to then go to the tourist office to pick up maps and so on. Then they would go to British Home Stores and buy a suitcase. They would go around, go to the market, go to the butcher, and they would come to us on the way back to the shop. So you would have the suitcase open on the table in the shop and they were tucking their kilts and their tartans and their woollen jumpers in with the leg of lamb and the leg of beef. So the routes they take are really quite important. Because then you can see where the main shopping areas are and so on. There is quite a lot of science, as Deputy Morel has been saying, when you are busy looking at shopping, particularly in a tourist town. So perhaps we can be a little more scientific about it. You need to consult some women about shopping, so perhaps that could be taken into account.

3.4.5 Deputy M. Tadier:

I was prompted to speak by the previous speaker. Some Members really do have to stop this cyclist bashing. The Senator asked, rhetorically perhaps, how many times have we almost been killed by cyclists? For my part, it is never. I have never almost been killed by a cyclist. But I probably have almost been killed by a car on several occasions, maybe on some of those occasions it could have been my fault when I was younger. But on other occasions it was probably for a split second if the car had come a bit closer. I would say cars are the issue, not bicycles. The reason that bicycles go up Mont Les Vaux on the road rather than on the Railway Walk, apart from the fact that the Railway Walk may not take them to the exact destination they wish to, is that a lot of these bikes have very thin tyres, even some of the road bikes, and if you go on a gravel track, I have experienced it myself, you can very easily get a puncture just from ordinary cycling on a track. Why would a cyclist, whose

perhaps main method or only method of transportation, apart from Shanks's pony, is to get around on their bike, take the risk of having a puncture on the way to work? I do not think it is reasonable. So, while we are not debating cycling, it does seem germane to the general argument about sustainable transport that we have to get away from these arguments of cycling-bashing. Because cyclists are not the problem. I suspect that one of the reasons psychologically cyclists make some of us feel uncomfortable is because they make us feel guilty. I feel guilty perhaps even at an unconscious or subconscious level when I am driving in my car knowing that perhaps I do not always need to drive it and I should be on my bicycle as well. The reality is that bicycles do not slow us down in the grand scheme of things because, if they were not on bikes, they would be in cars, there would be more cars on the road and more traffic to sit in. Essentially, we tend to get to the destination pretty much at exactly the same time that we would irrespective of whether there was a cyclist in front of us. That applies whether you are on Grands Vaux, Beaumont Hill, or coming through Town, I would suggest. So we need to start being grateful for people who have decided to ditch their cars and, as a Government and as an Assembly, we are all supposed to be behind sustainable transport. So I will say that. When it comes to Broad Street, it has been said already it probably will benefit from pedestrianisation or partial pedestrianisation at some point. The whole of Town now needs to be looked at holistically. I know that there is a new town centre manager who has been appointed recently, or certainly a new member of staff in that area, who will no doubt have exciting new ideas about what can be done. That person needs to work with the relevant Ministers, the Constable, and anybody else who has an interest in transforming St. Helier into what it could be from perhaps what it currently is. I will leave the comments there.

3.4.6 Senator L.J. Farnham:

I just wanted to very quickly talk about the importance of making progress, albeit as some Members have described it, in a piecemeal way. I do not really think it is in a piecemeal way because the whole rejuvenation of the town centre going back to the original pedestrianisation of King Street and Queen Street has been done in stages. I am really looking forward to making more progress and looking at rejuvenation of much more of St. Helier, especially moving up towards west central and up towards the north of Town. Again, there is huge opportunity to do that. But of course if we try to wait for a grand masterplan that addresses all of these issues, as we all know, a perfect plan is the enemy of a good plan. We will, as we have seen on a number of other occasions, Fort Regent for example, be talking about this for years to come while nothing changes. I am disappointed that we might end up with buses at 15-minute intervals moving along Broad Street, and I know the Minister for Infrastructure is prepared to look at sensible solutions, I hope we can find a compromise. Because pedestrianisation is exactly that. If we made those allowances for King Street and Queen Street, we would not have enjoyed the economic benefits from the pedestrianisation and the value that has given to that part of St. Helier. I am fully supportive of this. This is a small piece of a much bigger puzzle that we must continue to build in the years ahead. I hope Members will support it and do whatever we can to ensure that Town has a vibrant and successful economic future.

The Bailiff:

Thank you very much, Senator. Does any other Member wish to speak on the proposition? If no other Member wishes to speak on the proposition then I close the debate and call upon the Connétable to respond.

3.4.7 The Connétable of St. Helier:

It has been a long debate and I do not propose to go back over everything that people have said. I hope you will forgive me if I start off with a nod to Monty Python and the Holy Grail by saying: "town centre experience, town centre experience, town centre experience." Because it amuses me to think of Deputy Ash covering his ears at that point as I torture him with that phrase. But town centre experience really is at the heart of this proposition. It is, to pick up on Deputy Morel's phrase, the empirical evidence that most Members will have seen in the past week or so courtesy of the Association of Jersey Architects, the Parish of St. Helier, Parks Department, and indeed the new town

centre manager, assisted of course by the Jersey Old Motor Car Club with their fantastic vintage vehicles that have been on display. That is the town centre experience that has been attracting more people to Broad Street in the runup to Liberation. I am very grateful to everyone who was involved. I must say I was very mystified by the position of the Reform Party during this debate. I had assumed that they would be fully supportive of this small but difficult and clearly concrete step towards a better town centre experience. I apologise again to Deputy Ash for that slipping in. The Reform Party, after all, have signed up to this kind of improvement to Town, which is essential quid pro quo of asking more people to live in Town. It is to allow more space in the Town for people to move around and socialise and so on.

[16:15]

I was encouraged by what appeared to be a shift in Deputy Ward's position and I do understand his frustration because I, like him, have waited years for strategies, particularly with regard to walking and cycling, which have been promised by successive Ministers, and which have never come forward. We are currently waiting for a cycling strategy, a walking strategy, a parking strategy and a bus strategy. We have not seen any of them yet and so I do understand and, to some extent, share his frustration. I am glad that he moved towards the end of the debate to a position where he feels he can support this. I do take issue with Deputy Southern. This is not a greenwash. A greenwash is signing up to the words of environmental concern but, when the chips are down, not noting a concrete improvement that would deliver green improvements. I would challenge any member of Reform who wishes to still vote against this proposition to meet members, for example, of Cycle for Jersey in then the crowded and polluted Broad Street and try to tell them that they were doing more for their green credentials by opposing P.28 than by giving it their support. We have had a number of Members giving various reasons why they object to this. We have had a really huge variety of them, even some St. Helier Deputies saying that they were concerned it might affect the improvements they were trying to get in their own district. That is really depressing and Deputy Gardiner was quite right, the Parish holds a meeting for the Deputies every month, we have done it for years, propositions such as this are tabled and Members can and sometimes do provide feedback and, in Deputy Gardiner's case, constructive amendments. Indeed, 36 hours ago I emailed the town Deputies, all 10 of them, to say that I was thinking of accepting the Minister's amendment to allow buses through Broad Street and I would welcome their feedback. I think I had feedback from 4 of the Members, but not from any of the Members who have spoken against the proposition today. Again that is disappointing when, as a Parish, we try to do so much to include the Deputies in our decision-making. A small point of correction for Reform Party members who referred on a couple of occasions to the town council. We do not have a town council in St. Helier. We have had a shadow council that has met and is developing proposals, which I am sure will feature in any candidate's manifesto next year. But we do not yet have a town council. They are quite right though, if we did have a town council, and I absolutely support its creation, this kind of thing would not need to come to the Island's Parliament, it would be sorted out by the council with discussion with the Ministers. So I think they are right on that score. I wanted to address the question of what happens next. If we vote down P.28, I ask States Members why do they think in the 20 or so years since this matter was proposed that it has never happened, it has never been brought forward by any department or any individual Member? The answer of course is because it is difficult, it is divisive, it is unpopular, and it always will be. It was only because of the pandemic that we were given the opportunity to see what can be achieved. Members who vote against it because they want more details, they want to see the bigger plan, they want to get more data, they want to talk to all the traders and so on, are they the Members who are going to bring this back to a future Assembly? Are they putting their hand up to say they will bring back the closure of Broad Street? I do not think they will. So I want to just mention a couple of specific questions. Deputy Ward in his closing speech did ask what the review would amount to. I must confess I only put the word "review" in my proposition because what I wanted was some action. I wanted this trial to take place. But I thought I had better put the review in because people will expect us to monitor and publish the results. Of course, Deputy Ward mentioned everything that

should be in the review, and indeed I am grateful to Deputy Morel for offering to try to get another footfall camera. I do not think he may know this, but there used to be 3 footfall cameras in St. Helier, one paid for, as has always been the case, by the parishioners, one paid for by the Chamber of Commerce, and one paid for by the Economic Development Department. Sadly, it is only the Parish's footfall camera that has been kept running because for various reasons the other 2 were switched off. So I would welcome the provision of another footfall camera to give us some data to monitor and measure how footfall increases in the coming months. Clearly it will be a complicated picture because it will not simply be down to the state of Broad Street any more than we can blame the closure of Broad Street for poor sales in those shops. I would also like just to return briefly to Deputy Ash because, apart from his enticing remark about not saying the phrase "town centre experience" too much, I have just done it again, he did give an analysis of the town centre's problems, which I thought was completely misguided. Interestingly, he referred to Beghins remaining empty for so long. I have recently had some very exciting meetings with the owner of Beghins who, subject to planning, is hoping to turn it into a new restaurant right in the town centre with el fresco both on Broad Street and on the main precinct. That is I think an example of the tremendous resilience of Jersey's town centre, even as we go through a pandemic entrepreneurs and local developers are planning how they can make Town work. But I wanted to conclude by mentioning what was the most surprising intervention, it almost made me fall out of my chair. It was from a Member that I have rather unkindly in the past called a climate change denier. Senator Ferguson gave us a very real practical and honest example of why it is better to run a shop in a street that has less traffic and is not just used as a through route by people trying to get through Town quickly. I am very grateful for Senator Ferguson's support and I hope this may be the beginning of Senator Ferguson becoming fully signed up to all of the actions that are going to come out of our response as an Island to the climate change emergency. I thank Members for their contributions and maintain the proposition as amended.

The Bailiff:

Thank you very much, Connétable. I ask the Greffier to place a vote into the chat. I open the voting and ask Members to vote. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The proposition has been adopted:

POUR: 41	CONTRE: 4	ABSTAIN: 0
Senator I.J. Gorst	Deputy M.R. Higgins (H)	
Senator L.J. Farnham	Deputy G.J. Truscott (B)	
Senator S.C Ferguson	Deputy L.B.E. Ash (C)	
Senator J.A.N. Le Fondré	Deputy of St. John	
Senator T.A. Vallois		
Senator K.L. Moore		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Lawrence		
Connétable of St. Saviour		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of Trinity		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		

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

The Deputy Greffier of the States:

Those voting contre are: the Deputy of St. John, Deputy Truscott, Deputy Higgins and Deputy Ash.

4. Jersey Police Complaints Authority - appointment of Members (P.29/2021)

The Bailiff:

The next item of Public Business is the Jersey Police Complaints Authority - appointment of Members, P.29, lodged by the Minister for Home Affairs. The main responder for the purposes of this debate is the chair of the Children, Education and Home Affairs Scrutiny Panel. I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion in accordance with Article 2 of, and the Schedule to, the Police (Complaints and Discipline) (Jersey) Law 1999, to appoint the following persons as members of the Jersey Police Complaints Authority for a period of 3 years, commencing immediately: Mr. Mark James, Mr. Patrick Abernethy.

The Bailiff:

Deputy Guida, you are acting as *rapporteur*?

4.1 Deputy G.C. Guida (Assistant Minister for Home Affairs - *rapporteur*):

Indeed. I am very pleased to recommend the appointment of Mr. Mark James and Mr. Patrick Abernethy as members of the Jersey Police Complaints Authority following a competitive

recruitment process. Their biographies are summarised in the report and they are both very impressive candidates. Members of the Police Complaints Authority travel on a voluntary basis and we are very grateful to them for offering their time and their considerable experience to perform this important role. I make the proposition.

The Bailiff:

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? If no Member wishes to speak on the proposition, then I close the debate and ask the Greffier to put a vote into the chat. I open the voting and ask Members to vote. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The proposition has been adopted:

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

Deputy C.S. Alves (H)			
Deputy K.G. Pamplin (S)			
Deputy I. Gardiner (H)			

5. Regulation of Zero-Hours Contracts (P.32/2021) - as amended (P.32/2021 Amd.)

The Bailiff:

The next and indeed final item of Public Business is the Regulation of Zero-Hours Contracts, P.32, lodged by Deputy Southern. For the purpose of the debate the main responder will be the Minister for Social Security. There is an amendment lodged by that Minister. Deputy Southern, am I right in my understanding that you accept the amendment?

Deputy G.P. Southern:

I am absolutely delighted to accept every element and every word of the amendment. Thank you.

The Bailiff:

Thank you very much indeed for that clarity. Are Members happy therefore that we take the proposition as amended? If anyone indicates a contrary view, could they do so now? I will take that as approval on a standing vote and I therefore ask the Greffier to read the proposition as amended.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion – (a) Further to the commitment made in the 2020 – 2023 Government Plan, to agree that a review of existing legislation should be undertaken to ensure that sufficient measures are available to protect employees from any challenges caused by the use of “zero hour” contracts and, as needed, to strengthen the regulation of employment, such review to include the need to introduce – (i) a definition of zero-hour employment contracts; (ii) the prevention of employers requiring zero-hour workers to always be available for work; (iii) a ban on exclusivity clauses; (iv) a right for zero-hour workers, who in practice work regular hours, to switch to a contract which reflects the normal hours worked; (v) a right to reasonable notice of work schedule; (vi) a right to compensation for shift cancellation or curtailment without reasonable notice; (vii) other measures to be identified as part of the review;

[16:30]

(b) to request the Minister for Social Security to bring forward for debate any necessary legislation, and any such enforcement regulations as may be required for the implementation of the matters described in Paragraph (a), by the end of 2022. (c) to request the Minister for Social Security to bring forward for debate legislation to implement a ban on exclusivity clauses by March 2022 and to request the Council of Ministers to allocate additional financial and law drafting resources during 2021 to the Minister for Social Security to enable this work to be completed; (d) to request the Council of Ministers to allocate additional funding in the 2022 – 2026 Government Plan in respect of the cost of expert advice to support the actions specified under (a) and (b); and to provide a publicity campaign to advise employers and employees of workers’ rights under zero hours contracts and any changes following the actions specified under (a), (b) and (c).

5.1 Deputy G.P. Southern:

Why am I bringing this proposition today? Quite frankly I tell you what piques my interest in reviving doing something about zero-hours contracts since I last looked at it some 8 years ago was the U.K. Supreme Court ruling last month, a month ago or thereabouts, that Uber drivers were not self-employed but workers. It illustrated for me just what the gig economy rules we are operating and what they are doing. Effectively, the model for Uber drivers is just a way of reducing the employer’s costs by passing on the cost of National Insurance contributions to their workers by calling them self-employed. We do not have that issue, I do not think, in the Island. But it just made

me think about what was happening and want to do something about it. The first thing to say is what are zero-hours contracts? Some of the definitions used, this comes from J.A.C.S. (Jersey Advisory and Conciliatory Service), zero-hours contracts are used by employers whereby workers have no guaranteed hours and agree to be potentially available for work. They are used by companies seeking labour flexibility and by workers seeking flexibility around their other commitments. The Jersey Advisory and Conciliatory Service in its guide to zero contracts draws attention to the absence of any clear definition of what constitutes zero-hour contracts' legal definition. They say zero-hour contracts are arrangements where people agree to be available for work as and when required but that no particular number of hours or regularity of work are specified. If the States accepts that there are indeed issues associated with certain uses or abuses of Z.H.C.s (zero-hours contracts) and to agree to regulation, then the first thing we need obviously is a clear legal definition and that is what I have outlined in paragraph (a)(i) of this proposition. So the first thing, we need a clear legal definition so we know what we are working with. Secondly, you might ask why is this proposition talking about regulation but not an outright ban? As such, I accept that there are entirely appropriate needs where there is a genuine requirement for a flexible workforce to be temporarily available. Examples are several, but teaching staff on a supply list, nurses registered on a bank to cover staff absence, waiting staff needed to cater for a large banquet, seasonal pickers of certain crops. So it is not about banning the use of these contracts, it is about their regulation and controlling how we use them. What we have seen is that in the last few years, prior to COVID, both the U.K. Government and ourselves have taken a pride in our ability to create jobs. But it has been recognised that many of these jobs have been low quality, low paid work. Employment conditions have worsened in what has been labelled the gig economy. The problems with zero-hour contracts are several, but, for example, income insecurity, variable hours make it difficult to manage finances or access credit. You cannot borrow on the back of a zero-hours job. Variable hours makes it very difficult to plan anything. If your hours one week are 40 hours, 40 hours, and then the third week 20 hours, and maybe the week after that 10 hours, because the boss does not need you, then that is very difficult to manage and you are likely to end up missing some rent, owing people, borrowing to get by, and it is very difficult to co-ordinate that with income support, for example. You then have unpredictability, you get last-minute shift changes, make it difficult to cater for family needs. So, particularly for women, that is the way things work. Sudden changes in your rota can cause difficulties. Then thirdly the problem arises, the inability to assert your rights. To put it at its simplest, if you are on a zero-hours contract, you could be sacked tomorrow or you could think that you could be sacked tomorrow. So you do not argue with the boss at the risk that next week you will have no hours, quite frankly. I have heard of employers threatening that straightforwardly: "If you want to be working next week, do these shifts." Where there is a genuine call for flexibility, then the variation in hours leads to financial insecurity, and that is reflected in this comment from the T.U.C. (Trades Union Congress): "The T.U.C. believes that the rise of involuntary and casual temporary work, along with increases in zero-hours contracts, show that beneath the headline employment figures lies an increasingly insecure, vulnerable workforce. Too many workers are not working enough hours to get by, or have no guarantee of paid work from one week to the next." That definition is what we see around us today. There are many people come to me who say: "I cannot avoid zero-hours contracts because everything I see is zero-hours contracts. That is all that is on offer and that is all you can get." The combination leads to what is called on-way benefits. In Jersey, for example, a series of tribunal judgments now make it clear that employment rights are protected no matter what hours are worked, but this has little significance if the workers are unaware of the protection. If the worker believes that their employer could cut their hours to zero next week, with little or no notice, this can produce massive insecurity. This leads to what Matthew Taylor in his U.K. report in 2017 *Good Work* refers to as one-way flexibility. So the mantra always produced is a flexible way of working, it works for the employer and the employee. Matthew Taylor in his report says: "We have heard repeatedly during the review that there is an issue of flexibility not being reciprocated, with a requirement to be available for work at very short notice, without any guarantee that work will be available." He went on to say: "While in theory individuals in these working arrangements have the right to turn down work, we were told

that workers, needing work but unaware of their unfair dismissal rights, often felt that to express legitimate views about conditions or make even reasonable requests risked having future work denied to them.” The problem here is that it is an individual challenge, so individuals think they are not getting a fair deal, they make a complaint and they thereby take on a fight with their employer. If their employer has the power not to use them next week, full stop, you are out of work. Then you do not challenge. What has happened is, whereas there has been some advertising and publicity about workers’ rights, that has been very ineffective. They have not picked up on it. While it is only individuals who can challenge and there is no enforcement taking place, then it is very slow for the understanding of their rights to be generated. So that is the reason why I have brought it. The reason why I have accepted the amendment is equally obvious. They are saying here: “Further to the commitment made in the 2020-2023 Government Plan to agree that a review of existing legislation should be undertaken to ensure that sufficient measures are available to protect employees from any challenges caused by the use of zero-hour contracts and, as needed, to strengthen the regulation of employment. Such review to include the need to introduce ...” So what the Minister has done is agree with me we must do something, and asked for a review of what we have at the moment. That, to my mind, is perfectly acceptable. Then goes on: “The review to include the need for a definition of zero-hour employment contracts; the prevention of employers requiring zero-hour workers to always be available for work.” That one is vital I think. If you are chained to making yourself available on the fear that you are going to get zero hours next week, then that obviously is a restriction in your rights: “A ban on exclusivity clauses.” Again, this is something that we have already passed and I put it in on the chance that we might do something about it. I am glad that the Minister has picked up on this and said that: “I would like a debate around exclusivity clauses if possible because we have already passed this and let us see if now we want to do something about it to ban this particular aspect. I think the Minister is absolutely right: “A right for zero-hour workers, who in practice work regular hours, to switch to a contract which reflects the normal hours worked.” Now this is one of the ways in which the zero-hours contracts are abused basically. You are told you are on zero hours, you work let us say for 6 months during which time you have done 40 hours a week, why should you not go to your boss and say: “I want a proper full-time contract, I am doing 40 hours a week”, which would involve, for example, in some cases receiving sick pay, in some cases not having your holiday pay rolled up, so you take a holiday, or signing up or being included in the pension scheme run by the company, whatever, all sorts of ways, if you are on a zero-hours contract, you do not get all the benefits. This says you should have the right to a contract that reflects the normal hours worked. That could be 40 hours a week or it could be 25 hours a week, but let us have something solid that people can depend on, and not fall into poverty: “A right to reasonable notice of work schedule.” When I was doing zero-hours contracts at the shelter, we tended to get a week’s notice, a week’s rota published, which you then agree a week at a time, and that was a very useful way of doing things. But occasionally you get a sudden call in the middle of the afternoon: “Can you come in tonight?” and that also, in certain circumstances, would be acceptable. It just depends upon the job. But negotiating with your workers, between worker and employer, as to what is reasonable. Where that reasonable notice is not identified, and not reasonable, then there should be some compensation. They then say at item (vi): “Other measures to be identified as part of the review.” So, if we get this review, if then there are things we have not covered, then that should be seen in that phrase.

[16:45]

They then go on to say: “Bring forward for debate legislation to implement ban on exclusivity clauses by March 2022 and to request the Council of Ministers to allocate financial and law drafting resources during 2021 to the Minister for Social Security to enable this work to be completed.” So this looks like a different timescale to produce item (c) on exclusivity clauses and it looks very positive that the Minister is happy to work on this earlier than the rest in order to enable work to be completed. Finally: “To request the Council of Ministers to allocate additional funding in the 2022-2026 Government Plan in respect of the cost of expert advice to support the actions identified under

(a) and (b) and to provide a publicity campaign to advise employers and employees of worker's rights under zero-hours contracts and any changes following the actions specified under (a), (b) and (c)." So that is a fairly comprehensive plan to make progress on this particular issue and I am glad and I am grateful for the Minister this time around to say: "We are happy to take on this work and see where we get to in the timescale that I think is acceptable and that they should be able to meet." What they say in the end is: "Members are asked to support parts (a), (b) and (d). Part (c) is included to allow Members to make a separate decision on the early implementation of an exclusivity clause." So that piece of work can be done first to show willing. The Minister is asking us, and I am asking us, and I support it wholeheartedly, to support parts (a), (b) and (d). I am quite happy to take (a), (b) and (d) separately to (c) and have a separate vote on that to see if we want to get a move on, on exclusivity clauses.

The Bailiff:

Thank you very much, Deputy. Is the proposition seconded? **[Seconded]**

5.1.1 Deputy J.A. Martin:

It is a pleasure to follow Deputy Southern. He has practically taken my speech out of my head. Deputy Southern, I know we do not always agree, but me and Deputy Southern worked on the very first draft of the Employment Law 2003-2004, before it was ever introduced. So I am glad to see that we have come back to some sort of agreement. As I say, to be helpful, especially part (a)(vii), other measures to be identified as part of the review, obviously I want to get an expert in employment law and what things might be thrown up. Do not forget, we have just gone through a pandemic, people are working from home. What an absolutely really good time to have a good root and branch, everything that we do. The Deputy is totally right on (c). It was identified to me when we were discussing this at the Council of Ministers by Deputy Renouf, because Deputy Renouf was on the Scrutiny Panel then, that this had already been agreed by the Assembly. So I just need a bit of an oomph from the Assembly today to bring that forward with a bit of law drafting time and a bit of money and we can do that. Part (d), which again we have added in, will give me money to help publicise, because we really had a brilliant States Members briefing on Friday, and I am not going to get into the rights and wrongs of people do not know their rights. I am certainly not going to talk about the U.K. law. Most workers on zero-hours, on all contracts, have quite a few rights from day one. They do have the right to ask for the change of contract but it is about knowing your rights. So that is what (d) does. It is one of these, I am glad we have got to this point, I have not changed anything in Deputy Southern's (a)(i) to (vi), part (a) I have changed because of the timing, it was something we were going to do anyway. I have got so much work on, on employment issues and reviews, a family-friendly review needs to be done again, when it has been in, and there is other work we are doing. So I do not really want to prolong it, I am so pleased the Deputy has accepted the amendment, and that we can get on and do this work. We have the support and it is something that we can work on together or work forward together.

5.1.2 Deputy K.F. Morel:

I thank the previous 2 speakers for their thoughts. I am speaking primarily because I agree with and I will be supporting the proposition. Deputy Southern is absolutely right to focus on this in certain areas. I am particularly pleased with the work to seek to prohibit exclusivity clauses, which to me are just anathema to zero-hours contracts. But I wanted to speak because zero-hours contracts are one of those topics, which are very easily condemned without people looking at the other side of the argument. In this case, I do not deny there is abuse of zero-hours contracts. An exclusivity clause, if anyone has that in their contract, zero-hours contract, to me that is an abuse of a zero-hours contract straightaway. But I also note that they are an excellent way for some people to work and I speak from the experience of my family and particularly my wife, please forgive me again, I ask her forgiveness for speaking about her business experience in this Assembly again. But she runs a business and certainly when she started out she really wanted the way her business worked, which is a training business, really was an excellent opportunity for, in the main, mothers who wanted to get

back into the workplace, and in this case skilled mothers because they all had to be trainers and teachers, to get back into the workplace. But who, because of the fact that they were mothers of young children, were unable to commit to full-time or even part-time work, the rigidity of the hours did not work for them. Yet these were obviously some highly-skilled people who wanted to work. Had they not had the option of zero-hours contracts, they would not have been able to work. That was clear. It was just through that business I was able to see why zero-hours contracts are not all bad. In fact, in some cases, they are extremely good. In this case, we are talking about the part of society, new mothers, who in the past have found it really hard to get back into work and have often found themselves excluded from work. Something, which given children are around for approximately 20 years or so, is something they can be excluded from work for 20 years, and then find it extremely hard to get back into the workplace. Plus we had a system, which meant that it was hugely weighted in favour of men in the workplace. It is still like that. It is not past tense; it is still like that. But zero-hours contracts enabled this group of people, this particular demographic, to work. It is really important just to highlight that. That is why I am pleased that this is about a review and I really hope the review is open and genuinely looks at the subject in the round. I also wanted to say I think it is really important to put this into context. According to the latest Jersey Labour Report for December 2020, 10 per cent of workers in Jersey, about 6,000 people, are on zero-hours contracts. 90 per cent of all workers in Jersey are on either full-time or part-time contracts. So we know that this is a problem. Not a problem. I do not mean to be saying that. I am speaking against my own proposition by saying that. But we know that this is an issue, which affects the vast minority of workers in Jersey's economy. That is really important. Because, again, if this was a tool of rampant abuse by employers, I would expect many more than 10 per cent of workers to be on zero-hours contracts, because employers would be trying to use it as a tool to exploit workers. The fact that it is only 10 per cent I think shows that employees, overall 90 per cent of all employees are on full and part-time contracts. That means they are not being exploited. It is those 10 per cent, we need to make sure that those 10 per cent are not exploited in any way at all. But, again, I just want to make sure that people do not have this idea that employers in Jersey are running away exploiting all their workers. They are absolutely not from that perspective. I also just want to reiterate that both Deputy Southern and Deputy Martin have said it, I cannot remember it, but they said it, it does not matter. So it is just those things. Please support this proposition. But I ask the people undertaking the review, do not come at it from the perspective of zero-hours contracts are all bad. They are not. They can enable people to get into the workplace who would not otherwise be in the workplace. The important thing here is to make sure there is no abuse. I really hope this review does that.

5.1.3 Deputy J.H. Young:

I wanted to speak briefly because I am delighted to see this proposition and congratulate both the Minister for embracing it with the amendment and for Deputy Southern for persisting. Because this has been a very longstanding issue and this work is well overdue. I do understand Deputy Morel saying that it is a minority on zero-hours contracts, but there is no question there is abuse. I am certainly aware, and I am going to mention this in a little bit, but not disclose enough, that I believe the abuse is still taking place within the States machinery. As employers, we must set an example. For example, the issue arises where the zero-hours arrangement, which is intended to provide flexibility for groups of people who wish to work in that way, occasionally or flexibly in that way, and where the employer has that need, to provide an arrangement for doing so. I absolutely accept that. But there are situations, and the information I have it is still the case, that where people are working regular normal work on a daily basis on fixed hours under a fixed workplace and having to make sure they fit in with the annual rotas of annual leave and so on. Those people, I know they are in a situation where they do not get paid holidays at all. They do not get paid for bank holidays either. They do not have the regular pension benefits and they do not have the opportunity for sickness pay. All those things are frankly unacceptable that they are still going on. I am really hoping that this review will stop that. Some of that arises in this particular case I have in mind, I am going to mention the department, but not enough to be able to identify it and I am happy to talk to the Minister for

Health and Social Services privately after the States, because this is in our Department of Health. Where secretarial staff have been, and to my knowledge 7 or 8 years ago, my direct knowledge goes back that long, there is a team of people that are in this situation where the rules of the very sensible clinical nurse bank are being applied to that group. My information is that is still occurring. That is not acceptable. So please, I ask, we as the States need to set an example. I believe that those issues in that case breach the Employment Law. But of course people who need work are not going to take up challenges through the Employment Tribunal system easily. So they are generally not unionised, they are not represented in any way, and this underclass of people, it has been far too long as far as I am concerned. So I am absolutely delighted. But I am not saying that there is never any benefit for having these flexible arrangements. But when we are in a situation where managerially within a States department they are being abused, this is not acceptable.

5.1.4 The Connétable of St. Ouen:

Firstly, I wanted to speak to respond directly to the Deputy about the issues he raised about the States employees. I can assure him that we have, in the past 12 months, conducted a review of all zero-hours contracts to ensure that they are being properly applied and that people who are on zero-hours contracts are temporary employees who are not working a regular pattern of work.

[17:00]

So I am sure, as he knows, Jersey's current employment legislation says that, if you are on a regular pattern of work and you are doing a certain number of hours each week, then you are not a zero-hours contractor and you are a full-time employee and you are either entitled to a part-time or full-time contract. We have found a number of issues, which have been resolved. That review continues. The other point I just want to make briefly was about exclusivity clauses. While I completely accept they are important and need to be looked at, I would just ask, when the review is done, that a degree of care is taken when looking at zero-hours contracts and their use in the finance industry where imposing a non-exclusivity clause could jeopardise that position. Because, clearly, if you are working for a bank and you are doing part-time compliance work, then the bank is going to be unhappy about you going to work for another bank to do the same thing. So some care needs to be taken about how you would resolve that situation to ensure that the role would exist. Otherwise, we could find a number of roles eliminated. I am not saying I particularly approve of banks employing compliance staff or other staff on temporary contracts for zero hours. But, nevertheless, there are situations where it is appropriate where a review is pending and the bank needs to pull in staff to help it resolve some of its compliance issues. I am not saying that we should ban those; I am just asking that the review looks at it carefully to ensure that some roles are able to continue and any exclusivity or non-exclusivity clauses are applied with care in some sectors.

5.1.5 The Connétable of St. Brelade:

Having looked through the proposition and the amendments, I do not see reference to consultation with local industry. While we have several large employers, and of course our own Government, there are myriads of small employers who will rely heavily on zero-hours contract. Notwithstanding that, I would not argue that they should not be under the proper arrangements. But I would ask that in the review we do reach out and get proper feedback from smaller employers.

The Bailiff:

Thank you very much, Connétable. Does any other Member wish to speak on the proposition? If no other Member wishes to speak then I close the debate and call upon Deputy Southern to respond.

5.1.6 Deputy G.P. Southern:

At the end of a long day, what a pleasure it is to get to 5.02 p.m. with I believe what is going to be something under my belt. I thank all those who have contributed, particularly the Minister, for agreeing with me that the time had come now to do something about this egregious abuse in some cases of zero-hours contracts. The fact that many of our often poorer workers, less well off workers,

are not clear on what rights they have and dare not challenge what is happening to them in terms of their employment. Deputy Morel talked about what I would call the large minority, 10 per cent I believe is a higher rate of use of zero-hours contracts than occurs on the mainland. So, while he focused on the 10 per cent and saying that was a minority, that is a significant and large minority who should be protected. Interesting to hear Deputy Young with understanding and knowledge of people being exploited through exactly this, it sounds like, exactly this sort of exploitation, doing standard hours but no paid holidays, no bank holidays, no pension and no sickness, because they are deemed to be on zero-hours contracts. That is exactly the case that we want to get hold of and to suppress. That should not be happening. It should not be happening, especially in one of our departments. We should be leading the way in terms of our employment good practice. As he said, that is a wonderful example and what happens is these people do not complain. They are on a zero-hours contract. You would not complain if you were on a zero-hours contract. You would think you were going to be sacked tomorrow. Nothing changes. Unless we can do something to expand our enforcement, because we make it part of the law that employers pay the minimum wage, at least the minimum wage, and yet we do not say: "If you have people on zero-hours contracts, are you sure that they should be on those zero-hours contracts? Let us inspect your books. Oh look, these people are doing 40 hours a week regularly and they have been doing that for the last 9 months. Why are they not on a proper contract?" That is the sort of thing we need to be doing, just to expand a little on what would be good practice. The Constable of St. Ouen says we are on a hunt for effective use of zero-hours contracts and the issue is still underway. It would be nice to have a session with the Deputy of St. Ouen examining what it is that they are looking at and what the prevalence is in the States departments of zero-hours contracts being misused. The Constable said: "Let us talk to small employers. I notice that there was no mention of small employers." No, there was not, but there was 8 years ago and 5 years ago when we did some research on this and talked to lots of employers, including small employers, left, right and centre, and found that, among their workers, there was not a good knowledge of what their rights were. Several who were being exploited. So thanks to all the Members for staying with this so far. I maintain the proposition and call for the *appel*.

The Bailiff:

Thank you very much, Deputy. I ask the Greffier to put a vote into the link.

Deputy J.A. Martin:

I did ask that we could vote on part (c) separately.

The Bailiff:

So which parts do you want to have taken separately?

Deputy G.P. Southern:

Can we put (a), (b) and (d) together and (c) separate?

The Bailiff:

Yes, I do not see any reason why that cannot happen. Very well, the first vote will be on paragraphs (a), (b) and (d). I ask the Greffier to put a vote into the link. Paragraphs (a), (b) and (d) of the proposition, I open the voting and ask Members to vote. Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. Paragraphs (a), (b) and (d) have been adopted:

POUR: 40		CONTRE: 0		ABSTAIN: 0
Senator L.J. Farnham				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				

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

The Bailiff:

The next vote will be on paragraph (c) and I ask the Greffier to put a link, as soon as she is able to do so, in the chat. I open the voting and ask Members to vote. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. Paragraph (c) has been adopted:

POUR: 35	CONTRE: 2	ABSTAIN: 0
Senator L.J. Farnham	Connétable of Grouville	
Senator T.A. Vallois	Deputy K.C. Lewis (S)	
Senator K.L. Moore		

Senator S.W. Pallett			
Senator S.Y. Mézec			
Connétable of St. Helier			
Connétable of St. Lawrence			
Connétable of St. Brelade			
Connétable of Trinity			
Connétable of St. Peter			
Connétable of St. Ouen			
Connétable of St. Martin			
Connétable of St. John			
Deputy J.A. Martin (H)			
Deputy G.P. Southern (H)			
Deputy M. Tadier (B)			
Deputy M.R. Higgins (H)			
Deputy S.J. Pinel (C)			
Deputy of St. Martin			
Deputy of St. Ouen			
Deputy L.M.C. Doublet (S)			
Deputy of St. Mary			
Deputy G.J. Truscott (B)			
Deputy J.H. Young (B)			
Deputy L.B.E. Ash (C)			
Deputy K.F. Morel (L)			
Deputy of St. Peter			
Deputy of Trinity			
Deputy of St. John			
Deputy M.R. Le Hegarat (H)			
Deputy S.M. Ahier (H)			
Deputy R.J. Ward (H)			
Deputy C.S. Alves (H)			
Deputy K.G. Pamplin (S)			
Deputy I. Gardiner (H)			

The Deputy Greffier of the States:

Those voting contre in the link: Deputy Lewis and the Connétable of Grouville.

The Bailiff:

That concludes Public Business for the Assembly and I ask the chair of P.P.C. to propose the arrangements for public business for future meetings.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

6. Deputy C.S. Alves (Chair, Privileges and Procedures Committee):

So there have been the following changes to the arrangement of public business since the Consolidated Order Paper was published. P.43/2021 Allocation of the Former States of Jersey Police Headquarters site to Rouge Bouillon School. This has been lodged today and the proposition is listed

for the next meeting on 8th June. There is also P.44/2021 Immigration acts consolidation and extension to Jersey by Order in Council, which has also been lodged today and has been listed for the 29th June sitting. Looking at the amount of business for next time, the Assembly will definitely need Wednesday. There are some significant topics, such as the Housing Affordability Rented Dwellings Regulations and the States Members' Remuneration. So Thursday may also be needed as well. With that change, I propose the arrangement of public business for future meetings.

The Bailiff:

Thank you very much, Chair. Are there any observations about the arrangements for future business? Otherwise I shall assume it to be taken on a standing vote. If anybody wishes a formal vote to be taken, could they please indicate in the chat? Very well, then I take that as an agreement as to the arrangements for future public business proposed by the chair of P.P.C. on a standing vote. That concludes the business of the day and of the sitting and the States stands adjourned until 8th June.

ADJOURNMENT

[17:12]