

# STATES OF JERSEY

## OFFICIAL REPORT

WEDNESDAY, 7th FEBRUARY 2024

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[9:30]

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

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

I would like to advise the Assembly that I have a hospital appointment at 11.00 and I will be missing for some time, and I will be back.

**QUESTIONS - resumption**

**1. Questions to Ministers without notice - The Minister for Housing and Communities**

**1.1 Deputy D.J. Warr of St. Helier South:**

When will the Minister be publishing the findings of the R.T.L. (Residential Tenancy Law) consultation, and how will he use that feedback to inform the new R.T.L., particularly in connection with open-ended tenancies and rent control?

**Deputy S.Y. Mézec of St. Helier South (The Minister for Housing and Communities):**

On my very first day in office, I gave some instructions which I believe will expedite the production of the Residential Tenancy Law. I think that it had been over complicated and had things put in it that was going to delay it being implemented and enforced and helping the people who it needs to help. I have also been through what I think was a near final draft of the consultation response document. I do not believe the document itself is written in such a way that makes it very digestible or helpful, so I have asked for it to be reframed. I am not sure exactly how long that will take, but it will be worth doing so because it will make the contents of that document more valuable and understandable.

**1.1.1 Deputy D.J. Warr:**

In Reform's manifesto, there is a pledge to freeze rents until rent stabilisation measures are introduced. When will the Minister bring in these rent freeze measures?

**Deputy S.Y. Mézec:**

That is an easy one to answer. He has misread the document, it does not say that.

**1.2 Deputy T.A. Coles of St. Helier South:**

Is the Minister open to the idea of expanding Andium's remit to allow them to become property managers for small, independent landlords?

**Deputy S.Y. Mézec:**

This is something that I have been interested in the past to expand Andium's role. It has already been expanded since it was first formed to manage the assisted purchase pathway. I think it is worth giving some consideration about what they could potentially do to assist small time private landlords who may potentially be elderly or may not be able to manage a property portfolio to the professional level that many of us would expect, to perhaps set up something that works with them to help them keep tenants in and manage their properties, and do so at a social level rather than private levels. It is just an idea and something I want to explore with them. I do not have a clear plan or anything to pursue that, but it is an interesting idea that I would like to explore with them.

**1.3 Deputy I. Gardiner:**

Would the Minister share his views on the current system for qualified and unqualified accommodations, and if he has any plans to change the current situation?

**Deputy S.Y. Mézec:**

The rules on qualified and non-qualified status fall to the Chief Minister under the Control of Housing and Work Law rather than myself. But I do not believe that having the distinction between registered and qualified rental properties does anything positive for helping people who are living and working in Jersey getting the right kind of homes for them. It is an outdated control that I do not think is meeting its purpose, and leads to a number of people now chasing a fewer number of properties, which sees prices go up and often conditions not improve either. So I would want to discuss with the Chief Minister ways that can be done to even out that, so that everybody who is living and working in Jersey has fair and equal access to the rental market.

### **1.3.1 Deputy I. Gardiner:**

I am welcoming the views which I share. As a member of H.A.W.A.G. (Housing and Work Advisory Group), because as the Minister for Housing and Communities of H.A.W.A.G., how will he be encouraging his colleagues to give options for the people who are currently facing hardship because of these rules?

### **Deputy S.Y. Mézec:**

Would she mind just repeating the last part of that? I just did not quite get it.

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

As a member of H.A.W.A.G., you have the ability ... sorry, the Minister has an ability to work with colleagues and to have a discretion to make sure that the people who are currently facing hardship because of the rules can be given a concession and can be qualified to access the qualified market earlier than its 10 years.

### **Deputy S.Y. Mézec:**

Any decision that the Housing and Work Advisory Group would make would be the committee as a whole, rather than me purely individually. It does have the ability to use its discretion to grant housing qualifications to people on the grounds of hardship. I think my approach would probably be a bit more generous on that than has been in the past, but I would make the point that I do not think a system based on constantly having to apply discretion is a good system. It would be better to get the rules sorted out in the first place, so that people are not having to go through a difficult appeals process and all the variants that can end up being in there. I have come across cases in the past where people have faced hardship and not been able to house themselves adequately for an arbitrary reason, and I think we should be trying to help those people where we can.

### **1.4 Deputy A. Curtis of St. Clement:**

The Minister's title is Minister for Housing and Communities. Would the Minister share what he sees in scope as Minister for Communities and what his priorities are in that area?

### **Deputy S.Y. Mézec:**

Quite honestly, I thought that the addition of the words "and Communities" to the title when it was first done a few years ago was a tokenistic gesture that I do not really think has tangibly added. I kind of think if it is not obvious that you are supporting communities in your work and you have to add words on, then that is not a good enough job. I personally think it is superfluous to the title itself. I think shorter titles for Ministers are better. Frankly, we ought to all be the Ministers for Communities because that is who we serve.

### **1.5 Deputy M.B. Andrews of St. Helier North:**

On the Minister for Housing and Communities' Facebook page cover, it reads: We must introduce rent controls now." As the Minister now holds responsibility for housing, how soon will "now" be?

### **Deputy S.Y. Mézec:**

It will be expedited from where we were previously, because the new Residential Tenancy Law, which the White Paper was put out to consultation, spoke about having some forms of rent control measures in that.

[9:45]

That includes things like controlling how often rents can be increased. That is a concept that I do not think is controversial and does not appear to me to be controversial to the main landlords stakeholder group. It means controlling how soon rent increases can be applied and, in my view, also ought to include some mechanism on how much rents can be increased in one go. There are different ways of doing that, and that needs to be handled very carefully, because certain types of mechanisms can have unintended consequences that cause more harm than good. But the instructions that I gave on day one of my term in office on the Residential Tenancy Law mean that I have probably shaved off months of time in that progress. I am expecting an updated timeline very soon, and I will be very keen to update Members on that, because I want to make sure we get this law right and that it commands wide support across the Assembly and the community.

#### **1.5.1 Deputy M.B. Andrews:**

I must thank the Minister for his response. I would be interested to know, in terms of the responses to the White Paper, how many of those responses were antithetical about rent controls and how many responses were in support of rent controls potentially being introduced?

#### **Deputy S.Y. Mézec:**

With this question, I think the Deputy is getting to one of the concerns that I had about the consultation from the start, which is that I worried that though it was allegedly meant to be about collecting qualitative data, that it would end up actually being quantitative, which I thought was not a useful exercise because inevitably you were going to have a large number of tenants responding, saying they were in favour of the measures, and large numbers of landlords saying they were against the measures. Wow, look how much money we have spent to find out what we ought to have been able to have guessed from the start anyway. Having read through the draft document that I was handed, there is by no means any universal view on any of those concepts, but I would say the trends are exactly what we would have predicted them to have been.

#### **1.6 Deputy P.M. Bailhache of St. Clement:**

Given that high inflation and increases in interest rates have curtailed the development of housing in the private sector, does the Minister believe that the 15 per cent affordable housing rule on developments of over 50 homes is too inflexible a policy in the current climate?

#### **Deputy S.Y. Mézec:**

Let us be clear, that policy so far has never been invoked. Not once. There are currently no spades in the ground delivering based on that policy because of how long it took to come in force. That policy, I believe there has been one planning permission given but there is still work to do to begin that project, and that involves consultation with the developer that has been given that planning permission. I will not accept any suggestion that a policy would be blamed for not delivering more homes when there is not any evidence of that at this point. But there is built into the policy a viability test where if a case comes up where it genuinely is not viable to deliver on a development with that rule very strictly maintained, then there is flexibility, but it has to be proven and that has to be tested.

#### **1.6.1 Deputy P.M. Bailhache:**

I am not sure that the Minister has answered the question as to whether he thinks it is too inflexible a policy. It could go either way. Does the Minister not accept that?

**Deputy S.Y. Mézec:**

I think I did answer with my views on whether it was inflexible. I said there is a viability test, and that viability test is what provides for flexibility if it is justified and if it can be proven.

**1.7 Deputy L. Stephenson of St. Mary, St. Ouen and St. Peter:**

Does the Minister intend to pursue any plans for any kind of rent freeze policy during the remainder of this terms of office, including taking the matter to the Council of Ministers for discussion at any stage?

**Deputy S.Y. Mézec:**

I brought this to this Assembly earlier in this term and it was defeated. I respect the view of the Assembly, and I will not be resurrecting that policy. I think that is something that the Council of Ministers ought to understand; that we are the servants of this Assembly, and when something has been defeated it requires a rethink after that.

**1.7.1 Deputy L. Stephenson:**

I appreciate the Minister's confirmation of that. What would the Minister say to those Islanders who are landlords and may be feeling unsettled by his appointment, given his party's manifesto commitments and the things he has previously said in relation to the rental market?

**Deputy S.Y. Mézec:**

I am looking forward to meeting as many of those people as I possibly can. I made a point of meeting the chair of the Jersey Landlords Association within my first few days of being in office, and we had a fantastic chat. I have got on with him very well every time I have met him previously. It was a frank discussion, but I was able to get across to him some of my ideas for how we move forward, many of which he seemed very sympathetic to. I am getting stopped in the streets and in venues I attend by people who are landlords who want to discuss with me some of these issues. I met one the other day who wanted to explain to me that he was very nervous about any suggestion that tenancies might become open ended, and that that may lead him to want to sell his property because he intends to retire and live in it at some point. So it took me about 30 seconds to reassure him by telling him that we already have open-ended tenancies in law, and that one of the grounds for ending a tenancy that exists everywhere else this policy applies, is one where landlords can retire into a property that had formerly been one of their rental properties, if they like. It took me 30 seconds to convince that person that he was perfectly safe with me as the Minister for Housing and Communities, and I intend to spend as much time as I can meeting landlords to have those face-to-face conversations.

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

What consideration, if any, has the Minister given to a return to means testing for social rental levels?

**Deputy S.Y. Mézec:**

Like the Deputy, I never supported the benchmarking of social housing rents against 90 per cent of the market value. I know he opposed that at the time and so did I, and I consider it one of my great successes in being able to apply 2 new aspects to the social housing rents policy, which was to lower it from 90 per cent to 80 per cent, and also to impose rent increase caps in times of high inflation, which is no doubt helping tenants now in this time of high inflation. I have always said that I do not like that mechanism, although I have made some improvements to it. I do think that we need to review the social housing rents policy on the basis of what is affordable to the people who need that support, not on the basis of pegging it to a market rate, which may be a completely unreasonable expectation. So I am in favour of reviewing that.

### **1.9 Deputy A. Howell of St. John, St. Lawrence and Trinity:**

One of the problems we have heard about is that if an individual or individuals are living in an Andium property, and perhaps their children leave home and they are agreeable to downsize, unfortunately it seems to be that if they agree to downsizing they have to pay a greater rent. I just wonder if the Minister may be able to agree to working with Andium to solve this problem.

#### **Deputy S.Y. Mézec:**

Yes, definitely. That is one of the absurdities in the rule, where there are people who are on old contracts based on the old system of rent, but if they were to downsize, they would be put on a brand new tenancy where the new policy kicks in immediately, which means you can pay more for living somewhere smaller. That is an absurdity and I want to speak to Andium to see if we can adjust the policy so that you are never worse off for trying to do the right thing and live in a more appropriately-sized home.

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

Deputy Mézec, you have inherited 3 minutes from the last Minister. Are you happy to carry on answering questions? You have plenty ...

#### **Deputy S.Y. Mézec:**

I happy to pass them on to the Chief Minister, if he wants them.

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

His 15 minutes will not be eaten into. Are you finished, Deputy Howell?

### **1.10 Deputy M.R. Scott of St. Brelade:**

One of the issues in terms of the housing crisis is the lack of supply. I just wondered if the Minister could inform the States Assembly if he has had any conversations about the potential prioritisation of planning applications to develop new homes and perhaps further prioritising in terms of quantity of units.

#### **Deputy S.Y. Mézec:**

The short answer is no. That conversation has not taken place. I have not had time to sit with the new Ministers to specifically have that conversation. Although every impression I get from them is that it is a conversation they would like to have. What I am already having, is those who are involved with wanting to deliver new homes on sites that were zoned for that purpose a few years ago, wanting to get in contact with me as somebody who they are required to consult with about the types and tenure of homes on those sites. I am in the process of trying to work that into my diary so that I can review what is shown to me and issue a view on it, as I am required to under the rules. The sooner I can do that, the sooner people can hopefully get moving.

#### **1.10.1 Deputy M.R. Scott:**

Might he inform the Assembly about his position in respect of empty homes?

#### **Deputy S.Y. Mézec:**

Members might recall that I was not amazingly impressed with the approach that was adopted on this previously, which I thought had too much of a focus on data collection and not enough of a focus on getting on with getting empty homes back into use. I have only had very brief conversations with my officers about trying to change strategy there, but I think there are already hundreds of empty homes that we are absolutely aware of, and I think we ought to be focusing now on a strategy for going through them and getting them back into use, rather than running round in circles collecting more data. There are lots of streets we can walk down and we can see them with our eyes. I do not think we need to do too much more on data collection.



**The Deputy Bailiff:**

Well, that practically brings the period of questions to an end.

**Connétable A.N. Jehan of St. John:**

Can I raise the défaut on Deputy Jeune, please?

**The Deputy Bailiff:**

Are Members content to raise the défaut on Deputy Jeune? Yes, the défaut is raised. We now move on to questions for the Chief Minister.

**2. Questions to Ministers without notice - The Chief Minister**

**2.1 Deputy L.M.C. Doublet of St. Saviour:**

Given the cross-departmental nature of the recommendations of the V.A.W.G. (Violence Against Women and Children) taskforce report, will the Chief Minister commit to overseeing this work across the Council of Ministers and giving it the priority it deserves?

**Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter (The Chief Minister):**

I hope I can commit. I need to plan what I am going to be committing to and managing personally. But I certainly do agree that it should be given a very high priority.

**2.1.1 Deputy L.M.C. Doublet:**

Could the Chief Minister outline which of the recommendations he thinks should be actioned with the most priority?

**Deputy L.J. Farnham:**

I am afraid I cannot. Without the report in front of me, I could not do that.

**2.2 Deputy J. Renouf of St. Brelade:**

The Chief Minister will be familiar with the States of Jersey Law and, in particular, section 25, part 1(a), which gives Ministers the power to appoint their own Assistant Ministers. Can the Chief Minister reassure the Assembly that all the Assistant Minister appointments are indeed the choice of their respective Ministers, and have not been imposed by the Chief Minister?

**Deputy L.J. Farnham:**

To the very best of my knowledge they are. We have communicated well over the last week, which has been very busy, and on the grounds I have received no objections from any Ministers or Assistant Ministers, so I am going to say yes, happy to and everyone is content. Rather nervously I say that.  
[Laughter]

**2.2.1 Deputy J. Renouf:**

As a supplementary, can he, therefore, reassure the Assembly, given that the purpose of that section of the law, I believe, is to ensure that there are good working relationships within the Ministerial team, that he is confident that those Ministers who maybe have been engaged in discussions with the Chief Minister over their choice of Assistant Minister, will enjoy positive working relationships during this Government?

**Deputy L.J. Farnham:**

From what I have seen so far, I am absolutely sure we are going to see good relationships. I think it is important for the whole Assembly that we see improved relationships, not only in the Government, across the Assembly as a whole, and I hope we can facilitate that by leading by example in the Government.

### **2.3 Deputy A. Curtis:**

In the last Government Plan debate the Chief Minister supported cutting the M. and D. (Modernisation and Digital) revenue budget by £2 million. Does he still support the principle of this and, if not, what has changed?

#### **Deputy L.J. Farnham:**

The first thing I want to do is read the recent report issued about the poor performance of the M. and D. Department over the last 2 years. I need to really understand that before I can comment.

#### **2.3.1 Deputy A. Curtis:**

In his vision statement the Chief Minister did say that Government is too cumbersome and needs to be slimmed down. If not just M. and D. that he is looking at, which department is he looking to slim down first?

#### **Deputy L.J. Farnham:**

I am sorry, that would be simply unwise for me to be drawn on comments like that until the Council of Ministers have really managed to have a good look at the structure and consult with officers.

### **2.4 Deputy L. Stephenson:**

Yesterday the Minister for Health and Social Services confirmed he had a conflict with his Ministerial role and his position as a charity trustee. While he said he would be taking steps to resign as chair of that organisation, it was not quite clear what his ongoing relationship with the charity would be.

[10:00]

Was the Chief Minister 100 per cent satisfied with that answer and does he have full confidence that his Minister for Health and Social Services will not be conflicted in his duties?

#### **Deputy L.J. Farnham:**

A short answer to that is, yes, I do.

#### **2.4.1 Deputy L. Stephenson:**

Having asked a number of questions yesterday about conflicts of interest I was then interested to go home and read the front page of the *Jersey Evening Post*, which related to the foreshore payments that had originally been made by the now Minister for Health and Social Services in his role as then Minister for Infrastructure, although have since been stopped. As I understand it, does the Chief Minister see any potential conflicts of interests in those decisions that had previously been made and can he give an assurance to this Assembly that conflicts of interest will be borne in mind as that issue is taken forward in future?

#### **Deputy L.J. Farnham:**

At our first meeting as Council of Ministers we spent some time going through the Ministerial codes of conduct and agreeing the importance of being open with conflicts. I am confident that the Council of Ministers are up to speed on that. I personally do not see any conflict with the previous decisions the Minister for Health and Social Services has made in relation to foreshore repayments. However, that responsibility has now transferred to the new Minister for Infrastructure. I know the new Minister for Infrastructure is going to be reading carefully the reports about that and consulting with officers before making a decision.

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

Deputy Binet, you have put your light on more than once but you cannot ask a question obviously of the Chief Minister.

**Deputy T. Binet of St. Saviour:**

Sir, a point of clarification, could I ask if you are entirely ...

**The Deputy Bailiff:**

I do not think you can make a point of clarification.

**Deputy T. Binet:**

A point of order then, Sir. Can I ask if you are entirely happy with the line of questioning that took place yesterday and again this morning? Because I found it, from my own point, Sir, shameful. The ...

**The Deputy Bailiff:**

Deputy Binet, you answered those questions fully and these questions are being asked ...

**Deputy T. Binet:**

The line of questioning, Sir, implied that there was wrongdoing or potential wrongdoing and, as I say, I took great exception. I was intending to speak to you about it this morning, Sir. I have to say really it does not look a fit ...

**Deputy L. Stephenson:**

If a Minister cannot answer questions in this Assembly about potential conflicts of interest, we have got a problem.

**The Deputy Bailiff:**

No, sit down, Deputy Stephenson. Please sit down, one at a time.

**Deputy T. Binet:**

Can I just ask if you are entirely happy with the nature of the questioning because I found it decidedly ...

**The Deputy Bailiff:**

Yes, I am. I do not think there was any suggestion of dishonesty or any other unprincipled behaviour in the questions that were asked.

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

There has quite rightly been some good work that has gone on with the violence against women review, ongoing good work with the Children's Commissioner. We have seen a C.R.I.A. (child rights impact assessment) created for all Assembly propositions, even from Back-Benchers. But does the Chief Minister think that in some ways we are treating problems symptomatically and not necessarily getting to root causes? Would he support the establishment of a human rights and equality person, either as a commissioner or with delegated Ministerial responsibility to look at the wider piece of discrimination and equality, which would also encompass characteristics like race, age and disability?

**Deputy L.J. Farnham:**

I think we have to be less reactionary and more proactive now with this type of thinking. I think, again, it is too early to tell whether we can commit to creating a specific position for those important areas of thinking when we are creating policy and responding to reviews and reports. I think that is something again for the Government to consider. It is too early to commit but I certainly think we need to start trying to be, like I said, more proactive and thinking ahead now as our society evolves.

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

I certainly believe we should definitely be less reactionary as an Assembly. Also, does the Minister agree that not just as a society but we should as a Government, his Government, be looking more proactively at the fundamentals of human rights and equalities, which can be quite complex areas where those rights and responsibilities can sometimes be in conflict? I will leave the question there I think.

### **Deputy L.J. Farnham:**

I think a short answer to that is, yes, we can continue to do that. I think Jersey has always been very, very democratic in thinking in relation to human rights and I hope we can continue to progress and perhaps progress further than we have in the past.

### **2.6 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity:**

Can the Chief Minister clarify if he and the Council of Ministers will continue to prioritise the climate change emergency within the Council of Ministers' agenda?

### **Deputy L.J. Farnham:**

I think climate change emergency has to be a priority for every nation, whatever size, and we will continue to do that. I am not saying that what we have got on the table now might not be changed; I do not know because we have not had the discussion. We have a new Ministerial team at the Environment, so we are going to look forward to hearing their views as well. Yes, it will remain a priority and we will continue to push forward to ensure we protect our environment as best we can.

### **2.6.1 Deputy H.L. Jeune:**

What concrete measures, both incentives and regulation, does the Chief Minister believe are essential for Jersey to achieve a 68 per cent carbon reduction by 2030 to fulfil our international obligations?

### **Deputy L.J. Farnham:**

I am sorry, I just cannot answer that off the top of my head now. That is a question that needs considerable thought and we will give it considerable thought. Perhaps the Deputy would like to submit a written question and we can provide perhaps a more detailed answer.

### **2.7 Deputy P.F.C. Ozouf of St. Saviour:**

While I was unable to meet the Chief Minister early because I did not want to give him my bug that I have got, I know that he did read the article about this whole issue with minimum wage and living wage. Can he give the Assembly an indication as to his thinking and what his likely policy is going to be in his term of office concerning minimum and living wages?

### **Deputy L.J. Farnham:**

I thank the Deputy for his text message shortly after 6.30 a.m. this morning sending his apologies he could not meet me. He did send me a very interesting article which I managed to read, which basically said the thinking of reducing immigration to push productivity up in the lower wage sectors has absolutely failed. Because all that societies of countries have done is imported low-cost labour from other countries. We must continue to push to see improvements in productivity. My views, I think, on the living wage and the minimum wage, I think I tried to articulate yesterday in questions about that. As I said, the minimum wage is there to prevent exploitation of workers and the living wage is there to push up the standards of living. I think we need to have important discussions at Council of Ministers with the Minister for Social Security to implement the living wage, to replace the minimum wage as soon as we can with a caveat that we provide support for businesses to ensure we are not losing businesses and jobs, which is related to the article that Deputy Ozouf sent me at 6.30 a.m. this morning.

### **2.7.1 Deputy P.F.C. Ozouf:**

The point that the Chief Minister makes is quite correct about the implication of businesses that they cannot afford because of their training conditions. When he talks about subsidies, the article that I sent him said that it is not about subsidising the businesses that are unable to meet the living wage, it is to give them the help, hand up, in terms of increasing productivity and that does not happen overnight. Will he prioritise in his term of office actions which help businesses transition to the kind of society that does and businesses that are able to pay high wages and have high productivity, which does not happen without clear Government guidance?

### **Deputy L.J. Farnham:**

Yes, I think the work on that started with the Government before last with the publication of the future economy plan, which Deputy Morel picked up on and has begun to implement, which makes a commitment to work on the areas that Deputy Ozouf had mentioned. Yes, of course we are going to continue to that. One of the biggest problems we face in the future is a reduction in the working-age population. We have to become more productive. But the reality of it is if we are going to reach our commitment of introducing a living wage to replace the minimum wage, then there are some businesses that are going to need support in one way or another to meet that for their payroll if we are going to keep them in business and save jobs.

### **2.8 Deputy I. Gardiner:**

As the Chief Minister would be asking today the States Assembly to approve £3.6 million to purchase Grève De Lecq outside of the Government Plan allocated budget, would the Chief Minister be committed at the same level to find funds to purchase Gas Place from Andium to build a much-needed school in central St. Helier?

### **Deputy L.J. Farnham:**

My proposition on Grève De Lecq, which I brought as a Back-Bencher, seeks £3.6 million from the General Reserve, which I think could probably come from something like capital underspends from last year. There is nothing to stop other Members delivering propositions for the same thing. I have discussed this with the Connétable of St. Helier who has, I think, ideas on perhaps other land acquisitions in St. Helier. In relation to a school, I want to speak with the Minister for Children and Education and I want to get advice about whether we need new schools before we make commitments, and that is the conversation I think I am looking forward to having with the Minister for Children and Education before making a commitment on that.

### **2.8.1 Deputy I. Gardiner:**

Does the Chief Minister confirm that he is going to change the bridging Island Plan and stop any project to build a new school in St. Helier before the planning application that was due to be submitted in quarter 3 this year? Have these plans now been stopped by the Chief Minister?

### **Deputy L.J. Farnham:**

No, nothing has been stopped. We are not cancelling anything. We are not stopping anything without first giving it proper consideration. What I am saying is I want to seek proper advice. Saved by the bell.

### **The Deputy Bailiff:**

It brings the period for questions to an end.

## **PUBLIC BUSINESS**

### **3. Reduction of Lodging Period**

**The Deputy Bailiff:**

I will move on to Public Business. There is an item on the Order Paper not initially listed for this meeting for which notice has been given that a proposition will be made under Standing Order 80 to suspend Standing Order 32 in order that it may be listed for debate at this sitting to reduce the minimum lodging period under Standing Order 26(7), the testing of course public interest. This relates to P.7, Ceasefire in Gaza, lodged by Deputy Tadier. Deputy, do you, therefore, wish to make the proposition that the lodging period be reduced to allow this matter to be debated at this sitting?

**3.1 Deputy M. Tadier:**

I am in the hands of the Assembly. I have taken on board the comments initially from the Minister for External Relations on Friday. But I notice there was also another email from another Deputy earlier this week who has an interest, potentially, in amending the proposition. I think it is a very fine balance because what we are seeing in Gaza at the moment is clearly an urgent issue. Every day that the war continues out there thousands of people are being killed, including women and children. I think that it definitely meets a public interest test to reduce the lodging period, even though what we may achieve ourselves will not directly bring that war to an end. At the same time, I know that there is a procedural issue for the Assembly where Members who feel strongly and care about the issue need time to read that and to amend it if they see fit. I think the mood of the Assembly is probably to err to the side of allowing other Members to engage with that, which does not undermine the importance of the issue. If Members are comfortable I will not be asking for it to be debated at this sitting. But of course if other Members feel differently they can propose to reduce the lodging period and I will be ready to make a speech, if that is the case.

**The Deputy Bailiff:**

Yes. You are not making the proposition and it is your proposition ...

**Deputy M. Tadier:**

What I would ask, if it is appropriate, could I ask that it is debated as the first item of business on the next sitting, if Members are happy with that, given it is fairly meaty, it is a fairly important issue?

**The Deputy Bailiff:**

I am sure that has been heard by the chair of P.P.C. (Privileges and Procedures Committee) and perhaps we can revisit at the end of this meeting of the Assembly.

**4. Draft Crime (Public Order) (Jersey) Law 202- (P.97/2023)**

**The Deputy Bailiff:**

In that case we move to the first item for debate, the Draft Crime (Public Order) (Jersey) Law, P.97, lodged by the Minister for Justice and Home Affairs. For the purpose of this debate the main respondent is the chair of the Children, Education and Home Affairs Scrutiny Panel. I ask the Greffier to read the proposition.

[10:15]

**The Greffier of the States:**

Draft Crime (Public Order) (Jersey) Law 202-. A law to create statutory offences relating to public order, to consolidate offences on disorderly conduct, to enable Centeniers to impose fines for certain minor offences, to repeal redundant laws and to make minor amendments to other laws and for connected purposes. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following law.

**The Deputy Bailiff:**

Minister, do you wish to propose the principles?

#### **4.1 Deputy M.R. Le Hegarat of St. Helier North (The Minister for Justice and Home Affairs):**

This law was originally a public order component of the Crime (Prejudice and Public Order) (Jersey) Law, which was delayed by COVID-19 and formed by a former Government. Work on finalising the Crime (Prejudice) (Jersey) Law has begun and a decision was taken by the former Minister not to unnecessarily delay the important updates to the public order offences or the other improvements to related legislation that this law will provide in the meantime. I think that it is appropriate at this point and proper to commend the previous Minister for bringing this matter forward. **[Approbation]** This Draft Crime (Public Order) (Jersey) Law will modernise a number of current outdated public order offences and bring together others which have been scattered across the statute book, as they have been created as needed without an overarching Public Order Law. It will also introduce other provisions to enhance public safety and offer additional opportunities for some minor offences to be dealt with at the level of a Parish Hall Inquiry. It is vital that we have effective public order legislation. We know from our regular survey work that the perception of safety in public places is very important to Islanders, especially to vulnerable groups. Fair and well-understood public order laws contribute to providing a sense of community safety, as well as building public confidence and trust in our police force, which is essential for a just and orderly society. If approved, this law will create an offence of riot, this is essential because Jersey does not currently have any functional laws to deal with violent mass gatherings. The current law is the Loi (1797) - I am not going to try and pronounce these other comments in French - makes it an offence for 12 or more citizens to gather under the pretext of considering, declaring or representing any alleged grievance. In practice this law cannot be used, as it is completely at odds with civil liberties. There are no exceptions for a political protest and the only available punishment is to be banished from the Island. The new offence is deliberately structured in the same way as in England and Wales. It starts by defining a riot as 12 or more people being present and using or threatening unlawful violence for a common purpose. This must be sufficiently alarming to cause an average person to fear for their safety, which the law calls a person of reasonable firmness. This offence is much more selective than people often believe, as even if it is proven that a riot happened it does not make participating in it a crime. The offence is only committed where a person at the riot intentionally uses unlawful violence, doing so intentionally or where they know their conduct may be violent. Riot is a very serious public order offence and carries a penalty of up to 10 years and unlimited fine. Where a person is present at a riot and does not use violence, that person may well be guilty of other offences, such as affray, but that will depend on individual conduct. The law will also create a statutory offence of affray to replace the customary offence. The offence of affray deals with threats of unlawful violence that have gone beyond the stage of only words. Examples might be where a person throws furniture around and threatens someone or where a third party has to duck out of the way of an altercation. Our current customary offences differ from the affray in England and Wales in that it requires a bystander to be present and witness the offence. This new statutory version of affray would align with England and Wales offence, which will mean that it can be better applied where the offence is committed out of the sight of others. The offence is intended to capture different behaviour to a physical assault. It applies more widely in that it does not require physical harm but it cannot be committed by words alone. It will be punishable up to 5 years' imprisonment and an unlimited fine. This penalty has been set with reference to the case law on the customary offence, which is a starting point for the most serious affray offences of 4 years. The law will also address threats to kill, commit rape or serious physical injury. This offence will be committed if a person makes a threat with the intention that the recipient will believe that it will genuinely be acted on. This requirement to prove intent is in line with a narrower offence in England and Wales of making threats to kill and is intended to tighten the scope of the offence to focus on genuine threats and exclude rhetoric or bluster. We recognise the potential distress that such threats can cause and taking threats seriously and addressing them quickly can disrupt any potential escalation of violence and protect potential victims. Having a specific offence will allow the police to investigate and take proactive action when threats are reported. As things

stand, other public order offences can be used to investigate such incidents but this does not reflect the seriousness of the incidents or the real impact upon victims. This offence will be punishable by up to 10 years' imprisonment and an unlimited fine. Blackmail threats and threats made by the telephone or online are already captured by other offences. This new law will incorporate the existing offence of threatening, abusive or disorderly conduct, which currently sits in the Crime (Disorderly Conduct and Harassment) (Jersey) Law 2008. This offence is intended to address intentionally threatening words or behaviour which is serious enough to cause alarm or distress to someone who hears them. The new offence is identical to the existing one but increases the maximum penalty from 3 months' imprisonment and a fine of level 3 to 12 months' imprisonment and the same fine. This better represents the seriousness of the offence and is comparable with a similar fear of provocation of violence offence in Guernsey. I am aware of recommendations in relation to the need to strengthen the law to deal with stalking and related matters and behaviours. There is a growing awareness of the life-changing harm that this behaviour can cause to victims, which has been highlighted very clearly by the Violence Against Women and Girls Taskforce report. The taskforce has recommended that we develop a specific law to deal with stalking and I agree that this is the best way of addressing it, as it will require provisions for both on and offline activity, as well as systems for rapid and effective early intervention. The law will also provide an updated version of the offence of having an offensive weapon in a public place without lawful authority or reasonable excuse. This offensive weapon offence currently sits in the Firearms Law and will be moved to this piece of legislation. The definition of the offensive weapon will be expanded to include any blade that is sharply pointed, other than a folding pocket knife with a blade of no more than 3 inches. The defences in the law will ensure that this will not interfere with the possession of knives for use at work, for religious reasons, as part of national costume or for educational purposes while on school premises. The law also recognises that people may well have good reason or lawful authority to carry a knife in public, which will be a full defence. Restraining orders will also be moved to this law. Once again this is a relocation of existing provision for restraining orders from the Harassment Law into this law without changes in structure. On the advice of the Attorney General, an increase in the maximum penalty for a breach of the restraining order from 2 years' imprisonment and a fine to a 5-year, and a fine is included to reflect the seriousness of the breach and potential harm to the victim. The law will also expand the number of offences that can be dealt with by way of fines at Parish Hall Inquiries. It will allow a Centenier to impose a fine of up to level 1, which is currently £200 at a Parish Hall Inquiry, for the summary for customary offences of drunk and disorderly, breach of the peace and common assault. It also allows such fines for threatening, abusive or disorderly conduct, being drunk at the airport. The hope is that this will help resolve difficult issues where a person keeps offending at a low level, where things never justify the time, cost and negative effects of taking the offender to the Magistrates Court. In these cases allowing a Centenier to apply a fine will serve as a prompt and effective way of encouraging a change in behaviour. Separately, Centeniers will be able to fine individuals for the possession of personal amounts of class B and class C drugs. At the moment they can only issue a written caution and only for a first offence, which means that a second offence of minor-drug offender must be dealt with by the Magistrates Court, putting additional stress on the court services as well as often escalating the offence to a higher level than is necessary. The threshold for occasional possession and small quantities will be set out by direction to Centeniers from the Attorney General, which will focus on people with small amounts of drugs for personal use and require engagement with supportive systems, such as the drug and alcohol service. This law will provide a much needed update to our current provisions for maintaining public order. I propose the principles.

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

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles?



#### **4.1.1 Deputy C.D. Curtis of St. Helier Central:**

This draft law brings certain public order offences into one piece of legislation with updates to the old and outdated riot law, a move towards decriminalising drug offences and recognition of the problems around knife crime, which were not previously adequately covered by law. They must be considered with the number of logged incidents, 1,052 involving knives in Jersey in the last couple of years. Some of these in schools. It is a matter that needs to be taken seriously, especially having heard from children worried about others carrying knives at school. The panel received briefings and published comments on this draft law. We asked the Minister to address 2 points of uncertainty. Firstly, whether the impact of children and young people was considered and, if so, when. I know there is a C.R.I.A. now. Secondly, to explain any plans for legislation to make stalking an offence in Jersey. While the Minister has just referred to this in her speech, I wonder if she could give some more detail. While seeking answers to these questions the Children, Education and Home Affairs Scrutiny Panel is nevertheless supportive of the proposition.

[10:30]

#### **4.1.2 Deputy A. Howell:**

I wish to thank the Minister for bringing forward this law, and the work of the previous Minister. Just one minor point, am I going to be allowed to take a bread knife or a knife on a picnic, because I would not like to stop people doing that?

#### **4.1.3 Deputy L.M.C. Doublet:**

I thank the new Minister for bringing forward this law, which a lot of hard work went into it by the previous Ministerial team. I think she is doing a great job actioning that work. I wanted to ask whether she was aware of not the previous Minister, not even the one before that actually, but the one before, the amazing Constable Len Norman, who when I was scrutinising him as the then Minister for Home Affairs and I was part of the Children, Education and Home Affairs Panel, one of the issues that was repeatedly being raised was violence against women and girls motivated by a hatred of women, which, of course, we can describe as misogyny. There are consultations that have been undertaken in other jurisdictions in order to address this with legislation. Constable Norman at the time, before he sadly passed away, committed to making misogyny a hate crime. Now, we did have some conversations about this among the previous Ministerial team and there was, I think, more than one option for actioning this. I would be interested to know, because this obviously has been separated from this part of the law and would have been the next step of the previous Ministerial team, from the current Minister is she still going to follow this plan of action and include misogyny possibly as a hate crime or other ways of actioning that in legislation. Could she, in her summing up, just illustrate how she is going to do that please?

#### **4.1.4 Connétable M.K. Jackson of St. Brelade:**

I rather regret the loss of *Loi (1797) sur les rassemblements tumultueux*, I think it sounds so much better than riot. Having said that and moving on to riot and the 12 people that might form, consist or make up a riot, I just wonder what are the resources within the police - and the Minister may be able to comment on that - to actually deal with that. We saw only yesterday an assembly of more than 12 people outside in the Royal Square, which is fine and they are making their point, but I think I would like to understand whether we can actually deal with that. Secondly, would the Minister be able to tell Members what a level 1 fine involves, or maybe it is for the Attorney General if she does not know. Those are the 2 questions I would to ask.

#### **4.1.5 Deputy K.F. Morel of St. John, St. Lawrence and Trinity:**

Really, yes, it is just a question that shows, I am sure, my ignorance of the law but obviously the proposed law directly references schools and the carrying of knives in schools. It makes that reference while also talking about potential 5-year imprisonment. So, as we are talking about schools,

that makes me think about young people and children. I was wondering if the Minister would be able to elucidate me as to the age ranges that this would affect, at what age can people be sent to prison for 5 years? Having read the law - I must admit I have not read the C.R.I.A. but I have read the law - I could not see any direct reference to the kind of minimum age that someone could be prosecuted under this law because if it is not under 18 then I am not sure where the school level comes in.

#### **4.1.6 Deputy S.Y. Mézec:**

Can I congratulate the Minister for bringing this law forward and, of course, to her predecessors for the work that they did in putting it together? I was particularly pleased about the thought that has gone into the section on the riots, which means that as things currently stand Reform Jersey is incapable of holding a riot but the Constables are. Clearly well thought through and I appreciate that. The only other point I wanted to raise was on section 13(3), which inserts an Article into the Misuse of Drugs (Jersey) Law, which would see possession of class B and C drugs repeat possession dealt with at Parish Hall level rather than in the Magistrates Court. I simply want to stand to say that Article is actually more significant than I think people realise. I am surprised there has not been more commentary on it. The effect of this is that people who, from time to time for recreational reasons, smoke cannabis will be prevented from having a more severe public criminal record and penalties imposed on them for it. It essentially means this Article is a step towards the decriminalisation of cannabis, something which I am wholeheartedly in support of and look forward to the day when it is not an offence at all, because I think the approach that our society has had for years on this has been totally counterproductive. The impact of this is that it will mean fewer people having their lives wrecked by having a criminal record that appears in a Google search, not being able to get work, not being able to take their lives forward. It is a significant step in the right direction and I am surprised it has not been celebrated more by the fact that it is in this law. But the fact it is in this law means I can take great pleasure in voting in support of it.

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

On that last point, I know we did receive some correspondence from members of the public on that and I would welcome a comment from the Attorney General after I have spoken perhaps, when he is ready, about exactly what the implications of the repeal of that particular Article mean in reality for the use or possession of cannabis. I do not think we should chuckle at the point that Deputy Howell made - I do not think anyone was chuckling - but it seems like a minor issue to suggest will you still be able to carry a knife to go on a picnic? I was going through exactly the same thought process of a conversation - I will call it an argument - that my parents used to have about the use of the French *manger á la pousse*. I will not be the only one to have spoken French in this debate. My Mum, who was a native French speaker, used to tell my Dad off for saying: "No, it should be *manger au pousse* because *pousse* is your thumb and it is masculine, P-O-U-C-E." He would call it *manger á la pousse*. Until this point I have thought my dad was wrong but I suspect it was *manger á la facon du pousse*, which is to eat in the manner of the thumb, whereby Breton farmers or French people or anyone who is going out into the countryside would take a baguette with them, their bread, their bit of meat and their cheese and they would have to carry a knife with them to eat that wherever they were. It is important that whenever these changes that look quite minor come in that it puts the burden of proof on the person who is just going about their legitimate human business of legitimately carrying a knife, then having to prove why they have got a knife on them, a pen knife, which might be slightly longer than 3 inches in the blade. There are all sorts of reasons, of course, in the Jersey context where we go fishing often in the summer and we do all sorts of things where we might want to do that, but then nonetheless the burden of proof has to be on the person who could get stopped, summarily searched and then say: "Why have you got this knife?" Of course, you have to have the wherewithal and the confidence to be able to deal with that challenge. It might be the very first time that that person, not an English speaker, has to deal with explaining why they have got a knife for completely legitimate purposes. The way that they get treated, they might feel it is completely different to the way

somebody else does get treated. So I make that point on record. These are small amendments but often they can have impacts on people's lives. I am concerned more generally, and I think this has been given thought, but I would welcome the comments in the summing up from the new Minister - and I congratulate both her on this first piece of legislation she is bringing through and the previous Minister for doing that body of work - is that there is a tendency, I believe, around the world to clamp down on civil liberties, which includes the right to protest, the right to demonstrate. We see spurious interventions from Governments, not just dictatorships throughout the world but western Governments who do not like challenge. On the one hand, they talk about freedom of expression, freedom of rights and abilities, and the fundamental freedom to congregate. Of course, I know that Members will say: "Well, there is nothing to be concerned about because this is just dealing with criminal activity so if you are peacefully assembled together you have nothing to worry about." But, of course, who is the judge of that? It is the State and if the State is intervening in what would otherwise be peaceful interventions, which can sometimes sound violent because people do get vocal at protests, and we only need to think back to the corn riots in 1769 and the original *Loi tumultueux* was brought in some 20 years after that happened. It was in a very tumultuous period of Jersey history where riots were happening regularly because of the cost-of-living crisis, because people could not afford to buy bread. It was not just in the 18th century, it was at the beginning of the 19th century too. We are yet again in a period where the cost-of-living crisis is hitting, where we have got a very troubled world that we know we live in and there will be legitimate protests that need to happen. I am not naïve to the fact that you will also get agent provocateur, who infiltrates protests that are otherwise peaceful to make it look as if a peaceful protest is actually a violent protest and then that is what gets focused on in the media. That gives a right for the police to come in and potentially, if we are not careful, be heavy handed with protesters. Now, I am not saying that this is the Jersey way or that this would ever happen in Jersey but we have to be very mindful to the fact about legislation that we pass that on the surface looks as if it is great but let us be mindful of that. I think we need to scrutinise that as we go along. The other thing that pricked up my ear, as somebody with an interest in human rights, is that we seem to be moving potentially, I am not saying necessarily in this proposition, but, again, more widely as a society, it is absolutely right ... and as a progressive politician and citizen, I welcome so many of the changes that are happening in our society because I think we are becoming more compassionate, more understanding and we are becoming more sensitive. But there is also a risk that we are moving towards the areas of thought crime. So when I hear comments saying let us make misogyny a crime in itself, I think that is very difficult because we are potentially moving to the point where we are talking about thought crimes. So absolutely, let us make real discrimination an issue. That is why I constantly push any Chief Minister of the day to look at human rights, to look at equality. These are very complicated issues but let us not be in an area where people cannot speak openly and say what they feel and have intelligent conversations about what is going on in the community and in the wider society. When I hear about the burden of proof, for example, where you have an alleged victim who feels threatened by somebody else - and I am sorry if this is slightly close to home for some of the things we have been going through recently - you can have somebody saying: "I thought he was going to hit me. I thought she was going to hit me." That does not mean he or she was going to hit you, it just means that you thought the person might hit you so you feel threatened. That is a sufficiently important issue to be worried about. But then to say that the burden of the proof of whether a crime has been committed is not on the person who committed the alleged offence, so the person who was going to hit you supposedly, or was potentially going to kill you or commit an act of violence against you, that is not what needs to be proved, it sounds like. What needs to be proved is that the victim, the potential victim, felt that the person was going to hit them, felt that the person was going to kill them. Now that should be quite worrying if that is the case, because it means that we are getting into very dangerous territory about not what you have done ... crime and punishment should really be about - and I am sorry if this is oversimplifying it - you do something wrong, there is a burden of proof to be proven beyond reasonable doubt, you are found guilty and then you pay a consequence, or you are not found guilty

and you walk free. But when we get into this kind of rabbit hole where you say the person felt threatened and therefore we need to prove that that person was feeling threatened not actually that the potential aggressor was intending to threaten them or harm them, I think that is a very dangerous area. If I have misunderstood that, then I will be happy to be corrected but I think that point, along with the others, needs to be put on record.

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

Mr. Attorney, are you able to assist and perhaps also respond to Deputy Morel's question about the age range of this legislation, if you are able?

[10:45]

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

Yes, Ma'am, I am. So in response to Deputy Tadier's questions in relation to Article 13 of the draft law, the new power which is being introduced is set out in Article 13(3) and it is a new section 28(A) of the Misuse of Drugs (Jersey) Law, which is a power for Centeniers to impose fines summarily, which currently they do not have. What they do have currently is set out in guidance from me, whereby possession of small quantities of controlled drugs, which are class A, class B and class C drugs, can be dealt with by way of written caution at Parish Hall. Provided that certain conditions are complied with, they can be dealt with by way of written caution on a second occasion. It is not just on a first occasion. So this is expanding the powers of Centeniers to deal with possession of small personal amounts, to deal with those summarily by way of a fine up to level 1 on the standard scale. A level 1 fine is up to £200; that is the maximum. A level 2 fine is up to £1,000. The fine is set at up to £200, which is the level 1 fine. That is an important new power. I would say it is a progressive new power. In terms of how it will interact with the current guidance that I have given, I will need to consult with Centeniers and also particularly with a magistrate in terms of whether or not I need to give additional guidance to Centeniers as to the circumstances where it is appropriate to level a summary fine where perhaps there is a repeat offender who continually offends with possession offences. But that is for the future. While I am on my feet, I might say that I will also consider issuing additional guidance in terms of the new extra offences in Article 11 of the draft law, which are also included by way of a power to fine summarily. So offences under threatening and abusive or disorderly conduct and being drunk and disorderly. But I will only do that if Members approve this legislation and then I will take that forward. I hope that answers Deputy Tadier's questions. In terms of Deputy Morel's questions concerning, I think, children and young persons and schools, the minimum age of criminal responsibility is 10 years old but, again, I have issued guidance in relation to any consideration of charging young persons. Again, the guidance is publicly available on my website or my section of gov.je's website, which provides that any child of 10 or 11 years who is proposed to be charged with a criminal offence must have my specific consent for that to be done, and any child who is of 12 or 13 years of age must have the specific approval of an experienced Crown advocate in my department in order for a Centenier to charge a child of that age with a criminal offence. I would emphasise that that is very much a last resort. The whole intention of those charged with maintaining law and order is to keep children out of the criminal justice system. It is very much a last resort to charge children with criminal offences. Often these sorts of offences may be committed against other children and we do need to take the consequences of that sort of behaviour in mind when considering charging for those sorts of offences and, of course, the extent to which these sorts of offences are repeated. I hope that answers Deputy Morel's questions but I am happy to take any further questions or if the Minister wants to direct any other questions to me, I am happy to do that.

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

Deputy Scott, your light was on, was that to ask a question of the Attorney General, the same for you Deputy Ward and then I will come to Deputy Curtis?

**Deputy M.R. Scott:**

I am just following up from Deputy Tadier's remarks regarding the ... I believe insofar as if somebody commits an offence, taking into account the impact on the person who is the recipient of the conduct. In that respect, I believe we are talking about Articles 5 and 6 of the new law, which refer to threatening, abusive or disorderly conduct and also harassment. Deputy Tadier seemed to have raised the concern about thought crimes. I am also aware that perhaps what the issue is here is whether it was reasonable in the circumstances for somebody to know or ought to have known whether certain conduct would create distress to another person by reference to the particular person themselves. I am talking about whether that person is a woman and perhaps would feel more threatened by aggressive behaviour of a man than perhaps a man would in those circumstances, or somebody who might be particularly vulnerable. I just wondered if the Attorney General might comment on how the law would be interpreted in these circumstances in terms of the impacts on the state of mind or the sex or the vulnerability or the religious sensibilities of the person involved.

**The Attorney General:**

The first thing I need to say is that Articles 5 and 6 of this new draft law are simply almost copied and pasted from existing legislation. They are currently contained in the 2008 Disorderly Conduct and Harassment Law and they simply largely repeat that legislation albeit, as the Minister has said, the sentence for threatening, abusive or disorderly conduct, the tariff on that is being increased from 3 months to 12 months. I should say to Members that whenever a piece of legislation introduces criminal offences or increases criminal offences they are always sent to my department for a penalty review. We consider other legislation very carefully and we make sure that the tariff that is proposed is equivalent to that legislation or whether there is a good reason for increasing it. So the first point is that these provisions are simply taken from current legislation. In terms of the gender of persons who are charged with these sorts of offences, obviously we apply them in a general gender neutral manner but, in fact, as it turns out, these sorts of offences do frequently arise in situations where the complainant is a woman and they may be still charged in situations where there is also a separate offence under the new Domestic Abuse (Jersey) Law. They are not intended in any way to replace ... the Domestic Abuse (Jersey) Law is not intended to replace charging for threatening, abusive and disorderly conduct or harassment offences. They can all be charged indeed against the same defendant if the facts give rise to those offences. In terms of Deputy Tadier's questions about offences through thought, that is definitely not the intention of this legislation. As I have said, it is simply taken over from existing legislation and put into this law so that public order offences are all put into one bit of legislation and can be easily found. That is the reason for doing this. In terms of the different offences that may be contemplated in relation to use of words, that is all for the future and it is a difficult area of law and it is one, as I understand the Minister to say, that is still being given consideration but that is all for the future. In terms of these provisions, they do not just engage thought, there has to be intention. Of course, there must be intention.

**Deputy M. Tadier:**

Would the Attorney General give way? I was not suggesting that this law is going down the path of introducing thought crimes, I am just saying some of the peripheral comments we had from Members, my interpretation is that we would not want to go there in the future. There is a fine line.

**Deputy M.R. Scott:**

If I may add, really my question was about the consideration of impact in terms of the particular nature of the victim concerned. So, for example, a woman might find certain behaviour more threatening than a man and the extent to which that is taken into account.

**The Attorney General:**

Those are quite fact specific. When it comes to a charging decision, a decision whether to prosecute, they do very much depend on the facts. As I have said, we apply them in a neutral manner but when it comes to prosecutions, it is generally men who are prosecuted for these offences and women are generally the complainants. I think that should be sufficient to answer the Deputy's question. I am grateful to Deputy Tadier for his clarification but I hope, nevertheless, my comments were helpful.

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

Deputy Ward, did you have a question for the Attorney General?

**Deputy R.J. Ward of St. Helier Central:**

It is in terms of something brought up by Deputy Morel regards children. In particular, there is a couple ... I think you have answered the question regards the age effects, however, there are a couple of things. At 7(1), a person has an offensive weapon in a public place or on school premises commits an offence. It is just the clear definition of a school premises because we have very different premises, if that is a word, on the Island in terms of educational establishments so is that easily definable? Second, there is up to a 5-year sentence for that possession. Somebody who is 16, perhaps, although is still a child, might be seen perhaps differently in some eyes from a 10 year-old, obviously. I just wondered what guidance ... my question for the Attorney General is whether some guidance will be given to schools and school leaders, in particular, as to what this change might mean so there is clarity, so that these questions do not come out and particularly, perhaps as it is reported in the press maybe. I do not know how that is going to be. But also the school premises for educational purposes, I am seeing in that, for example, if there is a visit by a group that does enactments and has a bayonet or whatever, is it also a certain equipment? I can always remember the joys of a scalpel going missing in a science lab and we would have to spend hours before we realised the technician had it anyway. I just wondered whether that is the type of thing that is addressed and just the practicality of that in terms of criminalisation. If that is a question, I think it is.

**The Attorney General:**

In terms of the definition of school premises, the Deputy is correct that there is not a specific definition in this law. The offence here is modelled on an offence in English legislation, which is in section 139 of the Criminal Justice Act 1988, and that does include schools within that legislation. If there are questions or difficulties or potential questions concerning whether an establishment is in fact school premises or not, then that is simply a question of fact for the court to determine. In terms of whether guidance should be issued to headmasters or mistresses in relation to this provision, I am quite happy to consult, or perhaps the Minister will consult, schools to see if guidance does need to be issued. I am quite happy to give that confirmation and be involved in that consultation process.

**Deputy R.J. Ward:**

May I say thank you to the Attorney General for that? That is a good idea. The other thing that occurred to me was youth clubs in the evening.

[11:00]

Sometimes our Youth Service purposefully deal with challenging young people to give them somewhere to go, not that they are more likely to ... I am not stereotyping about knife crime there but we come in contact with lots of young people who may be going through a difficult time. Would youth clubs, for example, be classed as an educational establishment? You may not be able to answer that and I understand that it may be determined by the court at the time.

**The Attorney General:**

I think that is a question of fact in each case. School premises, it may be that there is some case law in England which will help in that definition but it is ultimately a question of fact for the court.

#### **4.1.8 Deputy A. Curtis:**

I have almost forgotten what I was going to say now. That is fine. What I was going to say was to touch on the topics that have been eloquently described by Deputy Tadier and was to follow on from Deputy Howell, because this law is one in which a number of constituents and Islanders have contacted me and talked to me about with concern regarding the changes and the risks of liberties and rights and free enjoyment of their hobbies. I did take advantage of the briefing available to Members to talk about the area that I was particularly concerned about, which was that of any changes to the ability to carry a knife because, at the end of the day, the law defines a knife with either the design to inflict or to cause injury or be adjusted to do so as an offensive weapon, but also one that is 3 inches or longer. While the knife is an offensive weapon in the law, it is also a practical tool for many people. In that briefing, I did give the example and perhaps got the same kind of laugh - I do not know if people were on mute - to the idea that I might want to take my own knives to a barbecue because I know that the hoster of the barbecue, while their food may be excellent, the quality of their knives for cutting, you know, Portuguese rolls may not be what I want. That is a likely scenario. I might take my knives to my friend who is wonderful at sharpening them on a sharpening block far better than mine. Likewise, when it is summer, we all want to take a knife to the beach or to the dunes. The truth is the reasonable excuse leaves a lot of ambiguity. Is it a reasonable excuse to take a knife to the beach that is greater than 3 inches ... would a court, perhaps we will get some advice, consider that we could have used a knife less than 3 inches. If one visits a popular catering website that I buy from, a tomato knife's length, and this is a common knife I use, is 10.5 cm or 4 inches and that is the smallest knife I would really want to be using to cut bread, let alone anything tougher like maybe a steak cooked on a barbecue. I think we should not take this law lightly, I think we should really be considering the implications. The truth is we are here to, as we all know, approve the law, we are not here to determine what reasonable excuses in the eyes of a court or the police officer stopping you when you are sitting down at the beach, enjoying your meal, carrying a knife that is potentially designed for cutting tomatoes but considered an offensive weapon. So I do look to Members perhaps to continue asking those questions. I would appreciate any clarity we can achieve from the Attorney General on that reasonable excuse. There are many reasons. It could be someone who is going fishing, but is not a commercial fisherman or fisherwoman, who carries a knife. The truth is the 4 reasons given in the law, including obviously for religious dress as well as work, many people will carry out the exact same operation that someone who works will do as a hobby but under the law that would require the defence of reasonable excuse, not for carrying it for a specified activity. I think we have got a lot of things to work out here. I think if we realise that this law, which I appreciate is not much different to what is contained in the Firearms Law with the inclusion of 4 extra bullet points, does not meet our requirements. We should obviously change that but I do hope for guidance because I know many of us will want to be able to enjoy food, enjoy fishing with more than a 3-inch blade. I am sure most of us think that that should be reasonable excuse.

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

Mr. Attorney General, are you able to respond?

#### **The Attorney General:**

Yes. In terms of the circumstances in which the offence is committed, Article 7(2) provides that it is a defence for the person to prove that the person had good reason or lawful authority to carry an offensive weapon in a public place. So, for example, going on a picnic with a bread knife I think most courts would accept that was a good reason to carry a bread knife. I would also add that the decision on whether to charge a suspect with a criminal offence is a 2-stage decision. There is a 2-stage test. The first is the evidential test. Is there sufficient evidence such that there is a reasonable prospect that a court will convict the person of the offence? So is there the evidence in order to prosecute someone for the offence? But then, importantly, there is also the public interest test. It may be that some of the circumstances in which people are carrying bread knives for picnics and that

sort of activity would fall into the consideration of the public interest test. While I am on my feet, I should somewhat correct what I said earlier in response to Deputy Ward's question in that there is an express definition of school premises in Article 7 of the draft law, and it is at the end of paragraph 5. So school premises means land consisting of an institution providing full or part-time education but does not mean land occupied solely as a dwelling by a person employed at the school. So I should correct what I said earlier because there is an express definition of school premises in relation to this particular offence. If there are parts of my answer that have not addressed the questions, I am happy to expand. Thank you.

**Deputy K.M. Wilson of St. Clement:**

Could I ask the Attorney General, in relation to children and the matter of intent, to advise what consideration he believes is necessary in relation to a child having capacity to understand the nature of the offence and what guidance, therefore, would actually be given to Centeniers in that regard to deal with the child under charge?

**The Attorney General:**

The law provides that the age of criminal responsibility is 10 years old so that presumes that a child of that age does have capacity to understand the consequences of their actions. But, as I have said, when it comes to charging children with criminal offences that is done incredibly carefully. If there are concerns in relation to the mental capacity of the child, that will be taken into consideration, whether that requires consideration of evidence that is already available concerning the child's mental capacity or whether that requires consideration of getting a specific additional report, that very much depends on the individual case. But I do assure the Deputy that those sorts of factors are considered when it comes to charging children with criminal offences.

**4.1.9 Deputy P.M. Bailhache:**

I rise really to respond to the speech just made by Deputy Curtis, because if one is trying to balance what is the public interest here it seems to me plain and obvious that it is not in the public interest for us to encourage young people in particular, but in fact all people, to walk around the town with knives in their pockets, with a view to using them to threaten others or to feel that they are somehow a more important person because they have a weapon of that kind with them. It has become the practice, as we have read in the media, in London and other cities for this kind of thing to happen with devastating consequences. That is the public interest with which it seems to me we ought to be concerned. In all my life, I have never known of a fisherman being apprehended for taking a knife with him down to his boat in order to use it for legitimate purposes. I think one must rely upon police officers, and indeed prosecutors too, to exercise common sense. Common sense is the most important element of the exercise of judgment and I think we can rely upon police officers to exercise common sense and I am sure we can rely upon our prosecutors too.

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

Does any other Member wish to speak on the principles? If no other Member wishes to speak, then I call on the Minister to reply.

**4.1.10 Deputy M.R. Le Hegarat:**

Thank you to the Attorney General for easing my burden this morning. First and foremost, in relation to the impact on children being considered, yes, a C.R.I.A. was completed but what I really want to say is that fundamentally in relation to the school premises being put on to this legislation is actually for the protection of children, young people and those that work within schools. I think we really must not move away from that because that is a real critical part of it. I think the thing is, and a point I will make here, that sometimes we have definitions in law which can be quite a challenge to actually implement, as an example, a public place. So by having the specifics of a school premises within this legislation, it makes it a lot more ... not easier exactly but it makes it less challenging to try and



prove the element of public place. I think for me, as the presenter of this legislation, it is important that the public and those who enforce this legislation have a clear understanding and it is simple legislation that we can all understand. In relation to the aspect of stalking, yes, of course, that is within the Violence Against Women and Girls Taskforce and that is work already ongoing. I think the Attorney General has already probably talked about knives in public places, as has the very good speech by Deputy Bailhache, because it is important that we need to realise why this legislation is in place. It is not about always making more crimes for us to prosecute, it is about public safety. In relation to Deputy Doublet, yes, of course, the Violence Against Women and Girls and the Hatred and Prejudice law is not yet finalised but all of those matters will be looked at and brought into. Obviously, there is an interest in other jurisdictions that have already done some of this work and we will also be doing this work. I am quite confident that this will move forward and, from my perspective, I want it to be done as quickly as reasonably possible. I think the points of fines and sentencing of young people and children has already been clarified by the Attorney General, so hopefully all matters have been covered. In relation to when people talk about riots and public order offences, I think there is a very different ... there is a very different thing to consider in that a large group of individuals can be stood together. That is not going to fall within these offences because people that are being quiet and having their say and not affecting others that is very different to people who are actively threatening violence. Let us not forget that because you might be present at something does not necessarily mean that you will fall into that category, because if you are standing there and not threatening people or committing violence, then these offences do not or will not apply to you. I think we just need to be careful sometimes and do not forget, a lot of this legislation is already in our laws. This is just about bringing them all into one law at the end. Now I maintain the principles.

[11:15]

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

Do you call for the appel?

**Deputy M.R. Le Hegarat:**

Yes, please.

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

Well, the appel has been called for. Members are invited to return to their seats. I ask the Greffier to open the voting. If all Members have now had an opportunity to cast their votes, I ask the Greffier to close the voting. All right, I can announce that the principles have been adopted: 43 votes pour and no votes contrary.

<b>Pour: 43</b>		<b>Contre: 0</b>		<b>Abstain: 0</b>
Connétable of St. Helier				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				

Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy C.F. Labey				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy S.Y. Mézec				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B.de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

Does the Children, Education and Home Affairs Scrutiny Panel wish to scrutinise this matter, Deputy Curtis.

**Deputy C.D. Curtis (Children, Education and Home Affairs Scrutiny Panel):**

No, thank you.

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

Okay, we move to Second Reading. How do you wish to propose the Articles, Minister?

**4.2 Deputy M.R. Le Hegarat:**

I would like to propose them *en bloc*, unless anybody has any particular reason, why not.

**The Connétable of St. Brelade:**

Ma'am, just a question on Article 11?

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

Do you wish to make a speech about the Articles or is that that?

**Deputy M.R. Le Hegarat:**

If they want Article 11 separate, that is fine, I will make that comment.

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

Okay, but you do not wish to speak on the Articles at this point? Okay. Are the Articles seconded? **[Seconded]** Does any Member wish to speak on the Article quoted above?

**4.2.1 The Connétable of St. Brelade:**

With regard to Article 11, this is really a question from a Centenier, we have 3 offences listed and the concern is whether those Articles actually surpass existing ability to impose fines summarily. It may be a question for the Attorney General but that is what I would like to understand better. Do those 3 Articles surpass the existing abilities to fine summarily for other offences?

**4.2.2 Connétable K.C. Lewis of St. Saviour:**

I have a query I have just noticed. It may be one for the Attorney General. Under 13, repeals and minor amendments, under (2) in schedule 3 of the Road Traffic (Jersey) Law 1956 the items relating to Article 4(1) and 25 are deleted. Article 4(1) is referencing driving without a licence or employing an unlicensed driver. If you can clarify how that works now, please.

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

A busy day for you, Mr. Attorney.

**The Attorney General:**

Yes. In response to the Constable of St. Brelade's questions, no, the new powers to impose fines summarily are for additional offences, they are not intended to limit existing powers of Centeniers to fine summarily. In relation to the Constable of St. Saviour's questions, Article 13 includes now the power ... the effect of Article 13 is that the old prohibition in Article 4(1) of the Road Traffic (Jersey) Law, which prevented fining summarily for persons driving without a licence, is now removed from that schedule. So the effect of that is that Centeniers can now fine summarily for driving without a licence. The same applies to Article 25 of the schedule, which excluded careless driving with the consent of the complainant. So the Centenier was only able to fine summarily for careless driving where the complainant consented for a summary fine to be imposed, so that has now been taken out of schedule 3 of the Road Traffic (Jersey) Law, so the effect of that is that Centeniers can now fine summarily in circumstances where the complainant has not consented to that course of disposal.

### 4.2.3 Deputy M. Tadier:

There are 2 areas that I would like to visit or partially revisit and the Second Reading is the right time to do that. Incidentally, I do not think we should apologise for speaking in Second or Third Reading on occasion, especially when it relates to criminal legislation. This kind of legislation would take a much longer time to go through other Assemblies and Parliaments. It is right that we do put on record the concerns we have. I welcomed Deputy Bailhache's speech for the most part because I think it focused on the problems that we are trying to avoid and resolve here. But, nonetheless, I thought there was an element of the fact that we live in *le meilleur du monde* or the best type of world imaginable, rather than necessarily in the real world because we cannot simply rely on common sense. I would like to put this on record, I think it is something more general but it can apply to this. The first thing is I am not naïve enough to believe that all of the people in our prison have absolutely committed the offence that they are there for. I would like to think that the vast majority of them are, but I know that some will have been victims of circumstance and that some simply take a plea bargain because all the facts are stacked up against them and it is easier to do that and plead guilty rather than necessarily plead their innocence when they may not have the resources to do it. Similarly, there are lots of people who have committed offences that probably should be in the prison that are not. We also need to just look across the northern water to the complete scandal that happened with the Post Office staff. The post office asked us to know that the little people do not always get listened to and believed. When it comes to what might seem as a very small issue of a knife, which I welcome Deputy Alex Curtis' comments, I do not envisage the situation where a fisherman is going down to his or her boat and has got a legitimate reason, and is you can smell the fish on them probably because they have just come back from it, they have their Wellington boots on and they have probably got a bag full of fish because the reasonable excuse is quite clear there. What is less reasonable or less clear is when some casual fisherperson goes to St. Catherine's in the summer, it is a nice day, the tides are right, they have heard that the mackerel are in, they go fishing with the knife in their pocket. Then the next day ... they hang their coat up, they put it back on and they realise that they have gone out with a knife in their pocket and they are in the middle of town. Perhaps they are walking through the Royal Square, minding their own business, and there is a demonstration on in the Royal Square, which gets a bit rowdy. They are in the middle of that, people are getting stopped and searched and all of a sudden you have got a knife in your pocket: "Sorry, I do not understand what you are saying because I do not speak very good English" and you find yourself before the Centenier potentially, or wherever, to explain your actions. Those are the kind of scenarios that we know can arise. So even though they might sound far-fetched, it is absolutely right that we look not just to the intended consequences of the legislation, the kind of behaviour that we want to prevent, but how it might impact on law-abiding citizens going around their everyday business. So I simply put that on record as an alternative potential scenario in the future that I hope never happens. Now with regard to the lessening of fines for drugs, I also welcome that and I welcome the fact that the Attorney General will give written advice, if that is the word, or guidance about how that is implemented. But what I would want to make sure is that there are no discrepancies between the way different Parishes administer justice. You might have, for example, somebody caught for possession of a small amount who only gets a written warning. It is not clear to me whether that can be dealt with just by words of advice. It is entirely possible that it can be and that it would not even go to a Parish Hall, whereas other Parish Halls might take a more severe approach and administer fines on every occasion. I do have to put this on record, because we have to remind ourselves that we can very quickly become accustomed to unusual ways of doing things in Jersey. So while the honorary system has so much to be said for it, and the former Minister for Home Affairs knows that more than anyone, it is still very unusual that you have prosecutors who are also police officers. Centeniers, we must remind ourselves, are a member of the Honorary Police and they are also de facto prosecutors. This is what they are dealing with judiciously. They are deciding on sentences that they impose. So we are giving more powers here and more discretion for these unusual roles that are medieval in many cases,

I am not saying entirely irrelevant to the modern day, but we are giving them more powers. So I would also like to put that on record. It is simply a statement of fact.

#### **4.2.4 Deputy C.D. Curtis:**

I would just like to echo the comments of Deputy Bailhache and remind Members that these are serious matters. This law pulls together various parts that needed updating and looks to improve where laws have been insufficient. Regarding knife crime, there have been a number of near fatal attacks recently resulting in serious injuries. Young people often do not realise how quickly carrying a knife can escalate. I can reassure Members that this draft law has been thoroughly scrutinised by the C.E.H.A. (Children, Education and Home Affairs) Panel and I congratulate the former and current Ministers for bringing it forward.

#### **Deputy M.R. Scott:**

Just following up from Deputy Tadier's speech, I just wondered if I might ask the Attorney General a couple more questions. Deputy Tadier made this point about Centeniers basically making these decisions and I just would like to be clear about the potential for such decisions to be reviewed. Also, as we know, one of the articles relates to harassment. It talks about persons. Deputy Tadier mentioned institutional bullying, which is a concern of mine, bullying generally. I just wondered whether, in terms of the law and its application to people ... obviously a Centenier is a person and is an officer but what about the potential of it covering what I might call institutional bullying? So by a government department or something, you know, whether it is ... we have had a previous situation with the Planning Department, there were concerns about that so what potential is there for this law to cover those sort of, if you like, entities.

#### **The Attorney General:**

In terms of guidance to Centeniers, as I said earlier, I will consider issuing revised guidance if this legislation is adopted and given Royal Assent. In addition, I do have the power to override a decision of a Centenier to prosecute an individual case. So I can override a Centenier's decision to charge. As regards bullying and the prospect of institutions committing some of these offences, there is provision in the law in Article 12 that some of these offences, perhaps unlikely, but that they can be committed by bodies corporate, so that would include Ministers, as Ministers are corporations sole. I rather suspect that in practice the likelihood of these sorts of offences being charged against Ministers or officials who act on their behalf is extremely low but I think there is a theoretical prospect of it.

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

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

#### **4.2.5 Deputy M.R. Le Hegarat:**

Obviously I thank the chair of the panel for the support and I do note the concerns raised by Deputy Tadier. I think there are times where we have to trust some of our systems and I think that I would certainly hope that with the guidance that will be provided by the Attorney General to the Centeniers, those individuals, in relation to those drug offences, will be provided the opportunities in relation to being able to be provided with help and support wherever required.

[11:30]

So I think from my perspective, although it changes the offences, it does give opportunities to prevent certain offences going before the Magistrates Court whereby therefore they then get a criminal record. So I do fully support the system of the Honorary Police, as I said, so hopefully that will make some progress. I think that is it and I would like to propose Third Reading.

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

It is still the Second Reading.

**Deputy M.R. Le Hegarat:**

I maintain the principles for the Second Reading.

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

Are you wanting to take the Articles 1 to 15 *en bloc* as the vote?

**Deputy M.R. Le Hegarat:**

Yes, please, Ma'am.

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

Those Members who are in favour of adopting the Articles, kindly show.

**Deputy M. Tadier:**

Could we have the appel, please?

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

The appel is called for. Members are invited to return to their seats and I ask the Greffier to open the voting on Articles 1 to 15. If all Members have now had an opportunity to cast their votes, I ask the Greffier to close the voting. The Articles have been adopted: 44 votes in favour and no votes contre.

<b>Pour: 44</b>	<b>Contre: 0</b>	<b>Abstain: 0</b>
Connétable of St. Helier		
Connétable of St. Brelade		
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Martin		
Connétable of St. John		
Connétable of St. Clement		
Connétable of Grouville		
Connétable of St. Ouen		
Connétable of St. Mary		
Connétable of St. Saviour		
Deputy G.P. Southern		
Deputy C.F. Labey		
Deputy M. Tadier		
Deputy S.G. Luce		
Deputy L.M.C. Doublet		
Deputy K.F. Morel		

Deputy M.R. Le Hegarat			
Deputy S.M. Ahier			
Deputy R.J. Ward			
Deputy C.S. Alves			
Deputy I.J. Gorst			
Deputy L.J. Farnham			
Deputy S.Y. Mézec			
Deputy T.A. Coles			
Deputy B.B.de S.V.M. Porée			
Deputy D.J. Warr			
Deputy H.M. Miles			
Deputy M.R. Scott			
Deputy J. Renouf			
Deputy C.D. Curtis			
Deputy L.V. Feltham			
Deputy R.E. Binet			
Deputy H.L. Jeune			
Deputy M.E. Millar			
Deputy A. Howell			
Deputy T.J.A. Binet			
Deputy M.R. Ferey			
Deputy R.S. Kovacs			
Deputy A.F. Curtis			
Deputy B. Ward			
Deputy K.M. Wilson			
Deputy L.K.F. Stephenson			
Deputy M.B. Andrews			

We now get to Third Reading, Minister.

**4.3 Deputy M.R. Le Hegarat:**

I would like to propose the Third Reading please, Ma'am.

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

Is the law seconded, please, in Third Reading? [**Seconded**] Thank you.

#### 4.3.1 Deputy H. Miles of St. Brelade:

As the outgoing Minister, I would just like to congratulate and thank the current Minister for not putting any delay into the bringing of this law. At the same time, I would just like to record my thanks to the policy officers, the Law Officers and indeed the law drafting staff who have supported bringing this law to its conclusion. **[Approbation]**

#### 4.3.2 The Connétable of St. Brelade:

I just think it is appropriate at this point to comment on Deputy Tadier's remarks earlier on. It has to be understood that a significant proportion of public order offences are dealt with in Parish Hall Inquiries as part of the prosecution process, overseen by a Centenier, that allows low-level offending to be dealt with by a consensual and voluntary process as an alternative to taking the matter to Court. That is just taken from the preamble to this proposition. Well, it is true that the ultimate goal is to keep minor offenders out of the criminal justice system and it is generally established that the outcomes of the inquiry process are positive in the sense of fairness and restorative justice. I would say in conclusion that we must not forget Deputy Miles' input by way of her report going back, the conduct and effectiveness of Parish Hall Inquiries of 2005, and I am very grateful for her for doing that, it has been an enormous help.

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

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

#### 4.3.3 Deputy M.R. Le Hagarat:

I thank the previous Minister for all the hard work and the officers. In relation to the Constable of St. Brelade, I fully agree with his sentiments. I therefore maintain the proposition and call for the appel.

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

The appel has been called for. Members are invited to return to their seats and I ask the Greffier to open the voting. If all Members have now cast their vote, I ask the Greffier to close the voting. I can announce that the law has been adopted in Third Reading: 43 votes pour and no votes contre. **[Approbation]**

<b>Pour: 43</b>		<b>Contre: 0</b>		<b>Abstain: 0</b>
Connétable of St. Helier				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				



Deputy G.P. Southern				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy S.Y. Mézec				
Deputy T.A. Coles				
Deputy B.B.de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

## **5. Requirement for Secunder at Time of Lodging a Proposition (P.102/2023)**

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

The next item is the Requirement for Secunder at Time of Lodging Proposition, P.102/2023, lodged by Deputy Ferey. For the purposes of this debate the main respondent is the chair of the Privileges and Procedures Committee, and 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 to request the Privileges and Procedures Committee to bring forward, before June 2024, the necessary amendments to the Standing Orders of the States of Jersey to require that any proposition brought by a Member of the States in his or her own right be seconded at the time of lodging and to remove the requirement for the Bailiff to ask for a seconder from the Assembly floor in such instances.

### **5.1 Deputy M.R. Ferey of St. Saviour:**

Firstly, I would like to thank P.P.C. for their comments paper on this matter but I would like to start by invoking an old adage and that is: “Two heads are better than one.” I am sure that my party leader, who would normally be sitting next to me, would agree with that. We have robust discussions but I think that we are agreed that, in general terms, 2 heads are better than one. I have no doubt that there are times when he wants to throttle me for some of my views, metaphorically speaking, of course, and the fact that he is on a flight now to the U.K. has no bearing whatsoever on me giving this speech. However, I have been considering this proposition for some time, and this is not directed at any particular Member because it has happened in the past, but we have had situations where an individual puts all that time and effort into researching a proposition and preparation of a speech, only to have those hopes dashed on the Assembly floor in a very public manner and I think: “Is that a good part of the democratic process?” Some people would say: “Yes, it is” and of course that is their view. My view is that if we look at other aspects of the democratic process we all had an idea one day in our minds and that was that we wanted to stand for election and we needed other people to endorse that view in order to make it a reality. Of course those people signed our nomination papers and in previous elections those nomination papers were brought to Parish meetings where people would bob up and second that nomination. Now the reality is we have done away with that part of the process because those papers are all prepared ahead of time. So I find it interesting to consider what would have happened if somebody had had 10 nominees on their paper, turned up at a Parish Assembly without a seconder in place, what would have happened in that situation, because that person’s nomination has already been seconded, so that is why that part of the process was done away with. Some of us have been attending recently a course called Negotiating for Better Success in Politics. We have only had 3 sessions so far and I think that the organisers of that course have probably been a little bit overwhelmed by some of what has gone on during those sessions. This is to not break any confidences but there have been some challenging conversations and there have been some challenging behaviours during those training sessions. One of the things which has already come out of this at an early stage is that we need to work together more collaboratively, we need to work better together. If this proposition was adopted, it would allow P.P.C. to bring forward changes to accommodate a new procedure and it would require written propositions to have a seconder in place prior to the proposition being lodged. Some people have said to me: “Would this mean that people would steal my ideas?” and my view on that is, if somebody wants to steal a good idea, steal away. If it gets it over the line and into being and improves lives for people in Jersey, then that has to be a good thing. I believe that this would make for a smoother, more professional process and I do not believe it would be an obstacle for any Member getting a good proposition in place and a good proposition over the line. I believe that this is an enabler rather than a barrier. If adopted, I would hope that Members who were seconding a proposition would use it as an opportunity to refine that proposition, or in the Greffe’s terms, to tinker with that proposition to improve it and not just second

it blindly thinking that this was the right thing to do. I also want to highlight what this proposition is not, and it is not an attempt to make the process more cumbersome or to stop people bringing forward good ideas; quite the reverse, this will make the process smoother. I make the proposition.

**The Deputy Bailiff:**

Is the proposition seconded? **[Laughter]** I was hoping for no response then. I do not mean that in a critical way.

**Deputy L. Stephenson:**

Yes, I am seconding it. **[Seconded]**

**The Deputy Bailiff:**

The proposition is seconded. Does any Member wish to speak on the proposition?

**5.1.1 Deputy S.M. Ahier of St. Helier North:**

I would like to say that I agree in principle with Deputy Ferey's proposition; in fact, I think that it does not go far enough. P.P.C. in their comments paper mentioned that there were only 2 instances of propositions not being seconded on the floor of the Assembly and thereby falling away but that in my eyes is not the problem. What we need, or what we require, is a group of Members to be selected to review each proposition that is brought before this Assembly before they are lodged so that advice may be given about the proposal and its merits thereby ensuring that frivolous propositions are not brought to the Chamber. There have been a number of cases where actions are already being implemented by a department and a Back-Bencher has brought forward a proposition to request that those very actions should take place. This can be due to the fact that the Member has not engaged with the Minister nor the department prior to bringing their proposition or it may be that they are fully aware of the Minister's intentions and are trying to engage in political point scoring to make themselves look good. Either way this does not reflect well on the wider audience of observers of the activities in the States Assembly. I believe that such a panel of Members would be of great assistance to newly-elected politicians to assist them with their proposals and it would be of benefit to all. I hope that the Privileges and Procedures Committee will consider this suggestion when they come to discuss Deputy Ferey's proposition.

**5.1.2 Deputy R.J. Ward:**

I am very pleased to follow that. First of all, I think it is very important that we look at the implications of this and the possible unintended consequences, and I think the last speaker may have changed the order of what I was going to say. Once you start to require formally a seconder on paper before any proposition comes to this unique Assembly, then we get along the path of, well, how many seconders will we eventually need, how much agreement will we eventually need? We have already had the first speaker on this proposition say they would like a group of Members who you would have to clear your propositions through. I cannot oppose that more strongly. We have, and I have said this so many times in this Assembly, a unique Assembly where I, as a constituency representative, can bring a proposition to this Assembly and it is debated. If debate is inconvenient for people I would have to say you have to think about whether or not you should really be in this Assembly and whether that is what you come here for. Debate on propositions are not an inconvenience, they are democracy in action, and so many Back-Bench propositions have brought forward positive impacts into this Assembly. I will not name any of mine because that would be slightly narcissistic. The other thing is - I think it is a very important point - I see the P.P.C. comments on this as very different. There have been 2 occasions where something has not been seconded in the hundreds and hundreds and hundreds of propositions that have come forward, and so we are fixing a problem that does not exist. I did ask the Greffe for numbers and I got one of those looks that I get from Deputy Alves when somebody calls a graph a chart, for example; it was not a good look because there are so many numbers.

[11:45]

I was going to be clever and come out with a percentage. I would guess it would have been 0.01 per cent of propositions that have come forward that have not been seconded and so we are going to introduce a layer of bureaucracy that is unnecessary. I would say to people there is a solution to getting a seconder: to have a political party, because I have got 9 people who could do that, but that is a dangerous thing as well for those who are independent; that would say they are independent. If you are going to introduce a number of seconders that you need, you may well have trouble as an independent bringing anything to this Assembly. Now I am an exponent of political parties, I do not want to see that happening, that would be very dangerous for our democracy. I think that this proposition, though well-intentioned, is unnecessary, will have consequences that we do not want and could lead us down a pathway to really stopping things happening. There is a very important point, some might say: "Well what if a Deputy wants to bring something specifically to voice something in this Assembly for their constituents?" Well when this is introduced, when a proposition is proposed, you speak first. There is no limit on the time of speech, I could have my 15 hours of glory if I really wanted to, and then it would not be seconded but you would have that opportunity to speak. Again, some of us who are sat here thinking that is inconvenient, well, okay, that is fine but that is democracy. As we see around the world, democracy is inconvenient for too many jurisdictions and that is why it is so often blocked. I would urge people not to do anything with this, unfortunately, not to support this proposition. I will finish, I have not had one for ages, with a song quote and you can pick out where it comes from: "The temptation to take the precious things in life we have to take the fresh ..." let us start again. **[Laughter]** That is right, start with the chorus: "The temptation to take the precious things we have apart to see how they work must be resisted because they never fit together again." I urge Members to reject this proposition.

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

One of my adages that I often use with my party members is: "Whatever you are doing in this Chamber be prepared to lose." Why do I say that? I do not want people to lose this, that or the other, because when you are prepared to lose it means you are prepared to improve as you go along. It is true of any number of things that I have been here too long, long enough anyway - 23 years - and I have seen ideas that I have come up with, we have shared, that are now commonplace. Innovative at the time, revolutionary at the time, but democratic. I have come back 3, 4, 5 times, then finally get the right formula and that one goes through and all of a sudden everybody is talking about that rather than: "Well this is impossible." So in terms of appreciating this Chamber, what a wonderful Chamber it is, it is a democratic Chamber. We debate issues, we knock ideas back and forth until we get it right. That is what we do, that is democracy. What is happening, slowly but surely, bit by bit, it is very easy to reduce the level of freedom, the level of democracy that we share. Take pride in that level of democracy because it is unique for us. Nowhere else in world, I do not think, can an individual Back-Bencher bring a proposition and have any chance whatsoever of getting through. We have that, stay whole on that, stay proud of that and vote this down because it is little by little an attack on our fundamental freedoms and our democracy. Do not ignore it and do not think: "Oh, it is only the little things" because, as we have seen already, we will be talking about 6 or 10 or 12 people in order to get a proposition nominated. Please vote against this, it is an attack on democracy.

### **5.1.4 Deputy R.S. Kovacs of St. Saviour:**

My colleagues have kind of said the main part of what I think as well. Deputy Ferey would remember that I think I was the first one to message him as soon as his proposition was lodged to say I think it is a good idea because it happened soon after one of those cases where there was not a seconder for a proposition that happened in the Assembly. But then I gave it more thought and thinking what I was most proud of being part of this Assembly and what I advocate to everyone when they ask us: "What can you achieve if you are not in power? How can you represent us if you do not have the power to implement something?" I always say that we are in such a unique position where Back-

Benchers can bring propositions and fulfil the promises that they make during their campaign and when constituency problems are coming to us we have the power to still bring it in a personal capacity to the Assembly and see if there is a way of being voted or not. We may disagree, we may not have the same political ideas, but I think everyone needs to have that freedom of expression because someone puts their effort in the proposition, at least it is worth being heard. Just by hearing that, even if you consider possibly to not second it at the beginning, you may give it a thought because you hear the details of the proposition that you possibly did not understand before. I think taking that away from this Assembly takes away the democratic aspect of freedom of speech and I will not support this proposition.

#### **5.1.5 Deputy M.R. Scott:**

I agree we need to work better together and that public money should be well spent; however, this proposition is not the right way to go about this. This proposition is forcing coupling up. That might be cosy for the Jersey Liberal Conservatives but it does not necessarily support a wider collaboration. When a States Member has an idea they wish to present to the States Assembly they work with our excellent Greffe officers to develop the idea, and they are advised to consult with relevant Ministers to get feedback for starters to get an idea of support. If they have not had enough conversations with other States Members to gain support, that becomes very apparent after the time the proposition is proposed. Sometimes a proposition does present a good idea but it needs to be refined by amendment and unfortunately that does not always happen because sometimes States Members simply have time constraints owing to other work and sometimes it would take too much work. With respect to Deputy Ahier's suggestion, I too have sometimes thought whether it might be useful to have a Back-Benchers' committee just simply to indicate approval in principle certain ideas that then could be developed but of course that is not what this proposition is even proposing. At the end of the day, the current arrangements allow transparency. I will be voting against this proposition as it needs to be thought through a lot more and is an obstacle to transparency and the public deserve to know what we are working on and what it is that we are trying to achieve.

#### **5.1.6 Connétable K. Shenton-Stone of St. Martin:**

I would just like to express the fact that I am speaking as an independent Back-Bencher here and not as chair of P.P.C. It has been very interesting listening to this this morning and I do believe in freedom of expression. This is a debate in Chamber and I cannot agree with Deputy Ahier at all on this. I have had a few successful propositions in the past and I must admit that on at least 2 occasions I have come in here and thought: "Oh, heavens, I have not asked anyone to second this", I had been so wound up in what I was doing. I might have discussed it with some people, probably not that many, and it had not occurred to me to get a seconder. On each occasion I was lucky to have one and I have learnt by that and I do ask people to second them now. The other thing is, if I had taken N.O.T.A. (None of the Above) to a panel of Back-Benchers or a panel of Council of Ministers or a cross-section, that would not have got on to the floor of this Assembly. I know that for a fact because I had a lot of detractors for None of the Above. For example, if I say the Constable of St. Saviour had been chairing that panel, he would not have let me get this as far as the Assembly. So we have to trust our own instincts, we have to do what we believe is right, and this is a debating Assembly. For those reasons, I admire Deputy Ferey, and he was a very good member of P.P.C. I am not speaking as a member of P.P.C. but as an independent Member, I will be voting contre for this.

#### **5.1.7 Deputy L. Stephenson:**

Like the Connétable, I do not doubt that the proposer is well intentioned with what he is trying to achieve with this proposition but, as others have said, and I will not labour the point because much of what I would say has already been covered, I do not plan to support it and I do not think others should either. Any Members' right to bring a proposition to this Assembly is one of the great quirks but also privileges and strengths of this Assembly, in my view, and I think we need to respect that.

The process of also lodging a proposition is a really important one. I think it helps all of us to develop as politicians, and our research and our arguments as well around those, but also in recognising that when a proposition is then listed for debate it becomes an official item of business. That is really important, particularly when it relates to things we are bringing on behalf of constituents and Islanders who want to see matters that are important to them debated and brought to this Assembly. That process of even being listed on the agenda is an important one and I do not think we should underestimate that. There is also then the whole process associated with that, the fact that Members are sent that proposition to read ahead of the debates coming up, is an important one that we should not forget. The media regularly, daily, go on to the proposition website and look what Members are proposing and what is due for debate. Those issues are then brought to the attention of the public. That is an important part of the process and so it goes on. We currently have the staff in the Greffe who would then approach Members, as we heard yesterday, about making videos and promoting those propositions. That is really important and you can do all of that currently as an individual Member without having to gain the support of anybody else. That is before it even gets to the Assembly, the vote in the Assembly, and even not having a seconder in the Assembly, can also be seen as very much a part of the process. That sends a message, not having a seconder: well it does not have any support and unfortunately it has an extremely low level of support, that it makes a point. That is also important that we should not forget. Just to conclude, I do not believe that time and efficiency should be at the cost of these fundamental principles underpinning this Assembly and I think we should all remember that.

#### **5.1.8 Deputy A. Curtis:**

This is not a debate I think we should spend too long on but it is one that is taking a little bit of a thought journey, like it did for Deputy Kovacs. When the proposer suggested this to me last year, many of the arguments made a lot of sense. Firstly the fact that the argument of requiring a seconder will always be required to instantiate a debate and, secondly, that having someone read it, be happy to sign off their name against it, will hopefully improve the quality of a proposition even if potentially the person who seconds it is not looking to support it but believes it is a valuable debate to take place. But we have already heard here that there are equally or potentially more important things to think about, which is the right of a Member that we hold. We have just debated, with perhaps some slightly contrived arguments in the last debate about the draft law, about rights and freedoms, and as Members we have rights and freedoms and we should respect them. One thing I do think we should think about long and hard is when someone seconds a proposition on the floor as currently is done as a form, that the person seconding it is doing so because they genuinely think this is a debate to be had and the proposition and report come in a form that is debatable. I do not think we should be debating things and seconding them as an act of politeness. If someone wants to bring something that is so undebatable or so poorly formed, we are able to hear them out and we should equally say: "You probably should have had that conversation with another Member before you bring it." I think in that sense we have a lot to think about, the quality of how propositions come to us. Because the reality is we have seen propositions, as perhaps Deputy Stephenson alluded to, on important topics we want to discuss for right or wrong, but the form in which they come, perhaps the shape of the report, the contents of the proposition, are so far off the mark, not only do we not access that topic and have a really useful conversation about what we want to talk about, but Members do not feel they can even amend that proposition because it is so unamendable.

[12:00]

I think quality is something we need to pursue. I have a little more time on my hands now as a Back-Bencher and I certainly intend to make the most of it, and I will be preparing propositions that I hope this Assembly will listen to and no doubt support. But I do take the elements that Deputy Ferey highlights about communication. I will not be bringing anything, I do not think, to this Assembly that I have not passed through Members. As an independent, as a genuine independent, I will be

seeking views from across the Assembly as to how to form and shape those propositions. Perhaps one thing we can do is think about having someone who is agreeing to second it in advance, have that on the paper, and then we know that this is something that has gone through a bit of thought. When Members consider the weight they give to what is the contents of a report and proposition, they may consider their amendments, they may consider how they will vote or speak accordingly. I went on this journey, I apologise to the Deputy for potentially changing my mind in that thought process, but I will not be supporting this. I will urge Members to think about how they listen to each other and improve the quality of what comes before this Assembly because we can do a lot more to make a lot of good decisions together.

#### **5.1.9 Deputy M.B. Andrews:**

I would just like to say that with Jersey we have a very flexible constitution, so all 49 Members can freely bring forward proposals before the Assembly and the Assembly can either approve or repudiate those proposals. If you look at, say, other states, such as the U.S. (United States), for instance, where they have a decentralised constitution but it is a very inflexible constitution, it means things such as gun rights issues are very difficult to get passed because you require 75 per cent as a majority at a decentralised level in the U.S. to approve changes. Say if you were looking at the national government, you need a two-thirds majority between the judiciary, executive and the legislature, so no wonder why there are some complexities to their system. Now if we look at Jersey or the U.K. we have a flexible constitution and that means we can bring forward changes more readily. I think really what I would like to just expand on here is when I stood for election I stood as an independent Member and that means my independent voice should be heard in this Assembly. Now if, for whatever reason, I would have to find, say, a seconder and people go: "Well I am sorry but I do not believe in the proposition that you are bringing forward" that is their prerogative to say that but at the same time the public voted me hypothetically on the basis that I would be bringing forward proposals to enact changes to reflect their interests. There would be good enough reason and support for me to do that because enough people have said: "Well we have chosen you as one of our 4 Deputies for St. Helier North." There would be an expectation and a responsibility that I propose what I said I would be during the election and that through the proposition would not be able to happen as a consequence of this. There is also an unintended consequence as well. So if we are looking at, for instance, the Connétable of St. Clement, he confirms that he will second my proposition, but the Government come forward and they say: "Well, look, Deputy Andrews, we are going to bring forward an amendment" and I say: "That is an improvement to my proposition, I accept the amendment." But then the Connétable of St. Clement goes: "Well unfortunately I feel very uncomfortable with the proposition as amended and I do not want any part of it anymore and therefore I would like to recuse myself from the situation" and again that is his entitlement to do that. So what do we then see, more propositions being withdrawn? Because already we just need to look at 2023, for the first time in 25 years we saw the lowest number of propositions lodged; 107 propositions lodged in fact, 41 of those were non-Executive propositions. I think you can see how the public feel about us as a States Assembly because sometimes we will be turning up, we would go through question time, and there might be one or 2 propositions, and we would finish at about 4.00 p.m. on a Tuesday. People would start to articulate their grievances about us: "Is this a part-time job that all of our politicians are pursuing?" Well in actual fact that is not the case but we were seen to be an Assembly that was not busy, that was not busy enough in terms of driving forward States Assembly business. Unfortunately, we have seen with the recent vote of no confidence that the Assembly ... well it was the will of the Assembly to enact change, and unfortunately we have seen the reconstitution of the Executive and most of the non-Executive and I think part of that was due to the lack of Assembly business. I think what this proposition would do is it would add complexities and it would constrain further States Assembly business from being debated. I think one of the things that we can be so proud of here in Jersey and our flexible constitution is the ability for Members, especially from the Back-Bench, to bring forward their proposals, to have their voice be heard. Even

if you happen to not be seconded, you have to respect that is democracy and 48 politicians have said: “Well, no, we cannot support this” and that is their prerogative. Unfortunately, if people find that too difficult to deal with then, I am sorry, but you need to develop a thick skin because that is part of democracy and that is part of being a politician. That is all I have got to say but I thought I would just have a few words just to contribute to this debate.

**The Connétable of St. Brelade:**

Picking up on the point of public perception, can I propose under Article 85 that the States move to the consideration of the next item on the Order Paper?

**The Deputy Bailiff:**

Well under Standing Order 85: “A Member may propose without notice during a debate the States move to consideration of the next item on the Order Paper. The Presiding Officer shall not allow the proposal if it appears to him or her that it is an abuse of the procedure of the States or an infringement on the rights of a minority.” By convention the Presiding Officer should check that at least 10 Members have spoken, which is the case, and I think in a recent debate it was also suggested that the Presiding Officer should take into account the range of Members to ensure, I think, in particular that at least one member of the Reform Party has spoken, which is the case. If I am content that there is no infringement on the rights of a minority, the matter should be immediately put to a vote without debate. So, the matter will now be put to a vote without debate.

**Deputy I.J. Gorst of St. Mary, St. Ouen and St. Peter:**

I was just wondering if you could remind Members what the implications are.

**The Deputy Bailiff:**

Yes, it simply means that we move to the next item on the Order Paper and this debate shall cease.

**Deputy R.J. Ward:**

May I ask what is the implication for this proposition? Sorry, I am not clear at all.

**The Deputy Bailiff:**

It simply means that the matter is not debated and it is a matter for the proposer if they wish to have it debated again at a future meeting of the States.

**Deputy M.R. Ferey:**

Do I still have the ability to sum up?

**The Deputy Bailiff:**

No, you do not. In fact, no one else. **[Laughter]** I am very sorry about that but the Standing Order says that it is immediately put to the vote. So I ask Members to return to their seats ...

**Deputy M.R. Ferey:**

Can I just speak on this ...

**The Deputy Bailiff:**

No, I am very sorry, it is the Standing Orders. My job is to enforce Standing Orders, that is it, really. So I ask Members to return to their seats. The proposal is to move to the next item under Standing Order 85 and I ask the Greffier to open the voting.

**Deputy A. Howell:**

I am so sorry, are we just voting pour to move on to the next agenda and contre to continue?



**The Deputy Bailiff:**

That is right. Yes, you will stop debating this proposition and move on to the next item. The vote is on the proposal to move to the next item, it is not a vote on the proposition. If the proposal is adopted the debate on the proposition shall cease. If you are in favour of moving to the next item you will vote pour and if you are not, then you will vote contre. If all Members have had a chance of casting their votes, I ask the Greffier to close the voting. I can announce that the proposal to move to the next item has been rejected: 11 votes pour; 2 abstentions and 30 votes contre.

<b>Pour: 11</b>		<b>Contre: 30</b>		<b>Abstain: 2</b>
Connétable of St. Brelade		Connétable of St. Clement		Deputy I. Gardiner
Connétable of Trinity		Connétable of Grouville		Deputy D.J. Warr
Connétable of St. Peter		Connétable of St. Mary		
Connétable of St. Martin		Deputy G.P. Southern		
Connétable of St. John		Deputy C.F. Labey		
Connétable of St. Ouen		Deputy M. Tadier		
Connétable of St. Saviour		Deputy K.F. Morel		
Deputy S.G. Luce		Deputy M.R. Le Hegarat		
Deputy L.M.C. Doublet		Deputy S.M. Ahier		
Deputy A. Howell		Deputy R.J. Ward		
Deputy K.M. Wilson		Deputy C.S. Alves		
		Deputy I.J. Gorst		
		Deputy L.J. Farnham		
		Deputy S.Y. Mézec		
		Deputy T.A. Coles		
		Deputy B.B.de S.V.M. Porée		
		Deputy H.M. Miles		
		Deputy M.R. Scott		
		Deputy J. Renouf		
		Deputy C.D. Curtis		
		Deputy L.V. Feltham		
		Deputy R.E. Binet		
		Deputy H.L. Jeune		
		Deputy M.E. Millar		
		Deputy M.R. Ferey		
		Deputy R.S. Kovacs		
		Deputy A.F. Curtis		
		Deputy B. Ward		

	Deputy L.K.F. Stephenson		
	Deputy M.B. Andrews		

**The Greffier of the States:**

Those voting pour are: the Connétables of St. Brelade, Trinity, St. Peter, St. Martin, St. John, St. Ouen and St. Saviour and Deputies Luce, Doublet, Howell and Wilson. Those voting contre: the Connétables of St. Clement, Grouville and St. Mary and Deputies Southern, Labey, Tadier, Morel, Le Hegarat, Ahier, Ward, Alves, Gorst, Farnham, Mézec, Coles, Porée, Miles, Scott, Renouf, Curtis, Feltham, Binet, Jeune, Millar, Ferey, Kovacs, Curtis, Ward, Stephenson and Andrews. Deputies Gardiner and Warr abstained.

**5.1.10 Deputy S.G. Luce of Grouville and St. Martin:**

Every once in a while I am sure, like other Members, I leave this Assembly with regret. I do remember last year, on at least one occasion, regretting that I had not seconded a proposition that came to this Assembly and then did not get debated. The reason I regretted it is I have always been led to believe, and been of the opinion, that people are elected into this Assembly by their constituents and they therefore represent those constituents. It may well be that they are elected on a very single, a very specific issue, and a part of their constituency that their constituents feel needs to be brought to this Assembly and regardless of whether the other 48 Members agree or not it is their right to do so. They may well have been elected on that single specific issue and they should have the right to stand up in this Assembly and put that forward. If 48 people wish to vote against them, that is their right as well, but I do believe very firmly that, as has already been said, this is a democracy, we are elected, and some of us are elected on very specific issues which we should at the very least stand up and propose in this Assembly. If we cannot find a seconder at the time, then so be it, but really we should always make an effort to allow every one of us in this Assembly to have their say on the day even if it is soundly rejected.

**5.1.11 Deputy M. Tadier:**

I absolutely second everything that has been said there. That is not to say that the proposition is not without merits because I have been through exactly the same thought process. I have seen a couple of occasions, not just recently, where a Member has brought something and it is often just down to bad luck I think, the mood of the Assembly, perhaps the time in the week, and also perhaps whether one has got patience with the mover of the proposition, and you find that nobody wants to second that proposal. But it seems to me that this is probably a sledgehammer to crack a nut for a few reasons. I think absolutely it does infringe on the rights of the minorities. I think that previous vote we just had to move on to the next item does automatically infringe on the right of the minorities anyway; that is a separate matter for P.P.C. to look at. I think the first point is that it really makes it more difficult to bring propositions in a sense because you have to get somebody to put their name to a proposition, especially if you are an independent Member who might on occasions need to work on their own. You also might want to have an element of, I am not going to say “secrecy”, but you might want an element of surprise with your proposition where what you are working on is either sensitive or even tactical and for whatever reason you do not want anyone else to know about it and you want an element of surprise. I am not suggesting that would be commonplace; there are all sorts of reasons why you might wish to lodge something in your own name.

[12:15]

Of course that does not mean that you cannot then have the conversation with one of the people you sit next to or one of the people you normally work closely with or just somebody who does not necessarily agree with your proposition but is willing to second it for the democratic process. I am

sure that among the 49 of us there are still some democrats left who are quite happy with that old adage which is: “I may not agree with what you say but I will defend your right to say it.” I think this proposition is unnecessary for all of those reasons but I think lessons have been learnt, probably the hard way, about when you come into the Assembly make sure you have got somebody to second your proposal. There is of course an easier way, it is just join a party or form a party. The advantage is that even if you are a 2-member party you may not always be able to vote together but you can probably knock up something which is at least plausible enough to put on paper that your colleague might second, even if he does not support it.

**The Deputy Bailiff:**

Does any other Member wish to speak on this proposition? I call upon Deputy Ferey to reply.

**5.1.12 Deputy M.R. Ferey:**

I will not take too much time. Reading the room I get the temperature. But I do take a certain irony from the Connétable of St. Brelade when so many people have spoken about rights and freedoms to then bring the debate to an end, and I am glad that Members at least supported for the debate to carry on because if we are serious about rights and freedoms, we do have to have our say. But I do thank all contributors to the debate. I did not mean to stoke the flames but sometimes after what we have been through as an Assembly it is good to have debates like this. I think we have all seen the sands have shifted this month and there is not a Member of this Assembly that has not been affected by what we have all been through and what we are going through and the new places where we find ourselves being, and so perhaps this debate just flushes all that out. The thrust of the proposition was for us to work together. I see people forming allegiances and alliances that never existed before, and that has to be a good thing for the direction of this Assembly. I will just go through some of what people said. Deputy Ahier, thank you for your support. I do think a group of Members perhaps may be too much. I never saw this as a slippery slope, I only saw it as improving the process. Deputy Rob Ward, it is only one seconder is what I was prepared to look for. I do not see that as overly bureaucratic personally. I would like to thank my seconder. It would have been irony of ironies if this had been dashed upon the Assembly floor but I think it was dashed upon the Assembly floor, perhaps in a different manner, but we have had a lively discussion about it. Deputy Southern said: “Be prepared to lose.” I am prepared to lose and that is why I brought this proposition. I would like to thank Deputy Kovacs for her kindness in that initial message that she sent to me and also for her kindness in her follow-up speech of what she said. Deputy Scott spoke about coupling up and that the Greffe could offer that level of scrutiny in detail. But the Greffe are impartial, the Greffe can guide, but the Greffe cannot ... they are an impartial part of the process whereas another Member is able to give more direction, I believe. The Connétable of St. Martin said perhaps we should ask people to give advance notice that they are going to second our proposition. Absolutely, we should, and perhaps that was not what was happening. I do not see this as a problem going forward. I think what we have got now is because new allegiances and alliances are being formed, that will not happen. I saw it as people being left out in the cold, so this proposition was well-intentioned, and it was trying to bring people together and into the tent. I think that is all I have really got to say at the moment but what I would say is to thank Members for all their contributions. I maintain the proposition and I call for the appel.

**The Deputy Bailiff:**

The appel has been called for. Members are invited to return to their seats and I ask the Greffier to open the voting. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. Well, Deputy Ferey, your prediction was correct, the proposition has been rejected: 5 votes pour; 38 votes contre.

<b>Pour: 5</b>	<b>Contre: 38</b>	<b>Abstain: 0</b>
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Deputy K.F. Morel	Connétable of St. Brelade		
Deputy S.M. Ahier	Connétable of Trinity		
Deputy M.E. Millar	Connétable of St. Peter		
Deputy T.J.A. Binet	Connétable of St. Martin		
Deputy M.R. Ferey	Connétable of St. John		
	Connétable of St. Clement		
	Connétable of St. Ouen		
	Connétable of St. Mary		
	Connétable of St. Saviour		
	Deputy G.P. Southern		
	Deputy C.F. Labey		
	Deputy M. Tadier		
	Deputy S.G. Luce		
	Deputy L.M.C. Doublet		
	Deputy M.R. Le Hegarat		
	Deputy R.J. Ward		
	Deputy C.S. Alves		
	Deputy I. Gardiner		
	Deputy I.J. Gorst		
	Deputy L.J. Farnham		
	Deputy S.Y. Mézec		
	Deputy T.A. Coles		
	Deputy B.B.de S.V.M. Porée		
	Deputy D.J. Warr		
	Deputy H.M. Miles		
	Deputy M.R. Scott		
	Deputy J. Renouf		
	Deputy C.D. Curtis		
	Deputy L.V. Feltham		
	Deputy R.E. Binet		
	Deputy H.L. Jeune		
	Deputy A. Howell		
	Deputy R.S. Kovacs		
	Deputy A.F. Curtis		

	Deputy B. Ward		
	Deputy K.M. Wilson		
	Deputy L.K.F. Stephenson		
	Deputy M.B. Andrews		

**The Greffier of the States:**

Those voting pour: Deputies Morel, Ahier, Millar, Tom Binet and Deputy Ferey.

**6. Draft Wills and Successions (Amendment No. 3 - Collateral Succession of Immovable Estate) (Jersey) Law 202- (P.105/2023)**

**The Deputy Bailiff:**

The next item is the Draft Wills and Successions (Amendment No. 3 - Collateral Succession of Immovable Estate) (Jersey) Law lodged by the Chief Minister. For the purposes of this debate the main respondent is the chair of the Corporate Services Scrutiny Panel and I ask the Greffier to read the proposition.

**The Greffier of the States:**

Draft Wills and Successions (Amendment No. 3 - Collateral Succession of Immovable Estate (Jersey) Law 202-. A law to further amend the Wills and Successions (Jersey) Law 1993. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following law.

**6.1 Deputy L.J. Farnham (The Chief Minister):**

The Legislation Advisory Panel has, on behalf of the Chief Minister’s Department, prepared this amendment to abolish the distinction between *propres* and *acquêts* in the customary law. In simple terms this will allow us to update an old law to make it simpler and fairer. This change relates to the succession of land and buildings in circumstances where a person passes away without a will and has no spouse, civil partner or children. Where this takes place and the person who has passed away inherited a piece of land or building from their ancestor other than through a will, it is treated as a *propres*. The customary rules concerned *propres* are rooted in historic principles of property law. They prioritise conserving property within a family line and favour the paternal line. This is obviously outdated. An *acquêts*, on the other hand, is immovable property that was bought by the person who has passed away on the open market or received under a will. An *acquêts* will pass to the nearest blood relative without the need to consider whether property has come from the maternal or paternal line. The draft law removes the distinction so that where a person passes away without a will and has no spouse, civil partner or children, the person’s land or buildings will always be treated as an *acquêts*. No distinction will then be made between the maternal and paternal lines and the land or building will pass to the nearest blood relative. Where there is more than one such relative they will have equal shares. This amendment is important because it will bring Jersey into compliance with the Convention on the Elimination of All Forms of Discrimination against Women which has been extended to the Island and where we currently hold a reservation. The amendment will also simplify the customary law in this area and ensure that the law does not unnecessarily prevent members of a deceased person’s family from inheriting property. I had the benefit of receiving a briefing on this amendment when I was a member of the Corporate Services Scrutiny Panel and I believe the chair of the new panel is content for us to proceed, and I thank her for that. It is a technical area of law and so I am pleased with the assistance provided by Connétable Johnson and Deputy Bailhache in their capacities as members of the Legislation Advisory Panel. I know the Connétable of St. Mary would like to speak on the matter. I am also pleased that both of them have agreed to continue their roles on the Legislation Advisory Panel. To that end, I move the proposition.

## **The Deputy Bailiff:**

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles?

### **6.1.1 Connétable D. Johnson of St. Mary:**

I thank the Chief Minister for his words of introduction and also I am grateful both to him and his predecessor for the support in bringing this draft law to the Assembly on behalf of the panel. As the Legislation Advisory Panel, which I perhaps may call L.A.P. for short, is currently unable to bring a proposition itself to assist Members, I am approached to speak now to better explain the content of the proposition or rather embellish on what the Chief Minister has already said. In the event that Members do have questions on what is a somewhat technical issue, I am pleased to note that the Attorney General is with us in the Chamber and has kindly agreed to field such questions. As the Chief Minister has explained, L.A.P. is bringing the draft law to the Assembly to abolish the customary law of distinction between *propres* and *acquêts* which applies as part of law relating to succession to property. This distinction is only relevant in particular circumstances which are where a person dies owning immovable property, that is, land or buildings on land and not personal assets, and leaves no will that covers succession to some or all of the person's immovable property and further had no spouse, civil partner or children to leave it to. Leading on from that, it is only relevant where the deceased has not made a will covering immovable property and has other surviving blood relatives such as uncles, aunts or cousins who might inherit. This is known as an intestate collateral succession. Where they apply, the customary rules concerning *propres* are rooted in historic principles of property law that prioritise conserving property within a family line and that favour the paternal line. As set out in more detail in the report on this proposition, a *propres* is immovable property that was received by the person who has died from their ancestor other than under a will and an *acquêts* is immovable property that was bought by the person who has died on the open market or received under a will and I make further comment as to this distinction later. The rules governing succession of a *propres*, which is the main aspect we are dealing with, can be briefly summarised as follows. A *propres* will revert to the side of the family from which it was inherited by the deceased, either the paternal or maternal side, in accordance with the principle *paterna paternis* and *materna maternis*. I apologise for my Latin but I am sure not many of us here are in a position to challenge it. Where a *propres* cannot be said to come from the paternal side or the maternal side of the family, it will be treated as coming from the paternal side in preference to the maternal side in accordance with the principle *le côté paternel l'emporte par dignité*. Where there is no one to inherit on the side of the family that is entitled to inherit, the property will pass to the Crown in the absence of a person who can show a right to it. The property will then be administered by His Majesty's Receiver General. By contrast, *acquêts* simply pass to the nearest blood relative of the deceased, which is perhaps what most of us would expect in this day and age. In the panel's view, the rules associated with succession to a *propres* are no longer aligned with the principles of equality and non-discrimination that our society upholds. As set out in the report on the proposition, these rules can lead to inequitable outcomes. The draft law, therefore, is a forward-looking measure aimed at removing unnecessary complexity from our customary law and aligning with principles of equality. The draft law has the effect that in an intestate collateral succession to the immovable property of a person, all that person's immovable property will be treated as *acquêts* and will therefore pass to the nearest blood relative. Where there is more than one relative who is equally closely related to the deceased, the property will pass to them in equal shares pursuant to existing provisions of the Wills and Succession (Jersey) Law 1993. The draft law only applies to a person who dies after the coming into force of the draft law. Any person who would prefer that his or her property should remain within a particular branch of that person's family may, as now, make a will for that purpose. The draft law aligns with Jersey's commitment to the Convention on the Elimination of All Forms of Discrimination against Women, C.E.D.A.W., I think it is referred to, an international treaty extended to Jersey in February 2021.

[12:30]

C.E.D.A.W. sets out commitments to eliminate discrimination against women in all aspects of life, including matters of inheritance and property rights. This draft law seeks to eliminate the need for the reservation that was entered when C.E.D.A.W. was extended to Jersey in respect of the obligations in Article 16 of that convention. That reservation allowed the Bailiwick of Jersey to retain the customary law in relation to *propres* until the rule could be abolished. By abolishing the rules related to *propres* as we now propose to do we, as an Assembly, are not only bringing Jersey further into compliance with C.E.D.A.W. but also affirming our commitment to equality in matters of inheritance. In conclusion, the draft law respects the importance of Jersey's customary law in relation to succession but modernises it to uphold Jersey's international commitments, particularly those under C.E.D.A.W. It ensures that our laws evolve to reflect the values of fairness and equality that define our society. As it is the first time that the Legislation Panel has had the ability to bring a law to the Assembly, may I thank the panel, all its members but particularly Deputy Bailhache, for their commitment and also further thank the members of the Law Officers' Department who took us through what might be inferred as a fairly dry subject. With that, I conclude my address and ask Members to support the proposition.

**The Deputy Bailiff:**

Do any Members wish to speak on the principles? Chief Minister, do you wish to reply?

**6.1.2 Deputy L.J. Farnham:**

No, Sir. At this stage, I will propose the principles and ask for the appel. Thank you.

**The Deputy Bailiff:**

The appel has been called for. We are now voting on the principles. I invite Members to return to their seats and the Greffier to open the voting. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting and the principles have been adopted unanimously 43 votes pour.

<b>POUR: 43</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				

Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy S.Y. Mézec				
Deputy T.A. Coles				
Deputy B.B.de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

Does the Corporate Services Scrutiny Panel wish to scrutinise this matter?

**Deputy H. Miles (Chair, Corporate Services Scrutiny Panel):**

No, thank you, Sir.

**The Deputy Bailiff:**

Chief Minister, how do you wish to propose the Articles?

**6.2 Deputy L.J. Farnham:**

There are 2 separate Articles in the amendment, which I intend to propose *en bloc*. Article 2 says that all immovable estate is treated as *acquêts*. *Acquêts*, as we have heard, goes to the nearest blood relative irrespective of whether the maternal or paternal line. Article 3 abolishes customary law, rules relating to *propres*, as they are no longer needed. I propose those Articles *en bloc*.

**The Deputy Bailiff:**

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

**6.2.1 Deputy L.M.C. Doublet:**

I just want to say that I am completely in favour of this, as I think we all are, and just to thank the Legislation Advisory Panel. I think it is quite an under-recognised panel. I was a member of it in



my first term and I really enjoyed it. I am just delighted to see that matters of equality are being worked on across the Assembly and to thank those involved in the drafting and preparation of this law.

**The Deputy Bailiff:**

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

**6.2.2 Deputy L.J. Farnham:**

I thank Deputy Doublet for her comments and join her in my appreciation of the work that the panel does and I ask for the appel, please.

**The Deputy Bailiff:**

The appel has been called for. I ask Members to return to their seats. We are now considering the Articles in Second Reading and I invite the Greffier to open the voting. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting and the Articles have been adopted unanimously: 44 votes pour.

<b>POUR: 44</b>	<b>CONTRE: 0</b>	<b>ABSTAIN: 0</b>
Connétable of St. Brelade		
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Martin		
Connétable of St. John		
Connétable of St. Clement		
Connétable of Grouville		
Connétable of St. Ouen		
Connétable of St. Mary		
Connétable of St. Saviour		
Deputy G.P. Southern		
Deputy C.F. Labey		
Deputy M. Tadier		
Deputy S.G. Luce		
Deputy L.M.C. Doublet		
Deputy K.F. Morel		
Deputy M.R. Le Hegarat		
Deputy S.M. Ahier		
Deputy R.J. Ward		
Deputy C.S. Alves		
Deputy I. Gardiner		
Deputy I.J. Gorst		
Deputy L.J. Farnham		
Deputy S.Y. Mézec		
Deputy T.A. Coles		
Deputy B.B.de S.V.M. Porée		
Deputy D.J. Warr		
Deputy H.M. Miles		

Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

Chief Minister, do you wish to propose the matter in Third Reading?

### **6.3 Deputy L.J. Farnham:**

I am pleased to propose in the Third Reading and would like to add thanks to the Members and officials who have helped us with us and particularly thank them for populating our speeches with as many awkward words as they possibly could.

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

Is the matter seconded in Third Reading? **[Seconded]** Does any Member wish to speak on the Articles as adopted in Third Reading? Accordingly, those Members in favour of adopting the Articles in Third Reading kindly show. Thank you very much. The Articles are adopted in Third Reading.

### **7. The Seaside Café site at Grève De Lecq - acquisition by the public and transfer to the National Trust for Jersey (P.5/2024) – as amended (P.5/2024 Amd.)**

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

We now move to the Seaside Café at Grève De Lecq, acquisition by the public and transfer to the National Trust, lodged by Deputy Farnham. The main responder is the Minister for the Environment and the Minister for Infrastructure. There is an amendment lodged by Deputy Stephenson. Do you accept the amendment, Deputy Farnham?

#### **Deputy L.J. Farnham:**

Yes, Sir, I do, thank you.

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

Are Members content for the proposition to be read as amended?

#### **Deputy M.R. Scott:**

Could I please propose that we have a break for lunch now?

**The Deputy Bailiff:**

I think the proposition needs to be read and then you can make that proposition. The Greffier will read the proposition as amended.

**The Greffier of the States:**

The States are asked to decide whether they are of opinion - (a) further to the Act of the States dated 19th July 2023, to approve the acquisition by the public of the land and property of the former Seaside Café at Grève De Lecq for the sum of £3,600,000 and to request the Minister for Treasury and Resources to make any payment incurred in connection with the acquisition of the said land and any interests therein, and of the payment of all legal expenses, from central reserves; (b) to agree that, following the acquisition of the land, it should forthwith be gifted to the National Trust for Jersey subject to a condition that the National Trust for Jersey utilise the land for environmental, cultural and social benefit to the public; (c) to agree that the gift of the land to the National Trust for Jersey is subject to a condition that the land must be returned to public ownership if the National Trust for Jersey decides at any time to divest itself of ownership; and (d) to authorise the Attorney General and the Greffier of the States on behalf of the public to pass any necessary contracts in connection with the acquisition and subsequent sale of the site and adjoining land.

**The Deputy Bailiff:**

Deputy Scott, you proposed the adjournment.

**Deputy M.R. Scott:**

Sir, I think I will wait until I hear if the amendment has been accepted. Thank you.

**The Deputy Bailiff:**

It has.

**Deputy M.R. Scott:**

Okay, I will make that proposal now then. Thank you.

**LUNCHEON ADJOURNMENT PROPOSED**

**The Deputy Bailiff:**

The proposition has been read as amended by the amendment lodged by Deputy Stephenson. The adjournment is proposed.

**Deputy L.J. Farnham:**

If it helps Members, my speech is likely to run slightly past 12.45 p.m. I would be quite prepared, I think, to start afresh after the break but I am in Members' hands, of course.

**The Deputy Bailiff:**

Are Members content to adjourn now? The Assembly is adjourned until 2.15 p.m.

[12:38]

**LUNCHEON ADJOURNMENT**

[14:16]

**7.1 Deputy L.J. Farnham:**

Grève De Lecq is one of Jersey's most popular and iconic bays with a long and remarkable history, which remains an important and valued part of Island life. After the café was sold to its current owner, plans were put forward to demolish the existing building and replace it with a small café together with a large private dwelling. Planning permission for this scheme was approved in March

2022 and the site was put on the market for £5 million in July 2022. The site is currently disused, empty and is partially derelict. It is shut off to the public, restricting access to parking, causing recurring problems for the users and the businesses of the bay. In fact, the whole character of the bay has seen a detrimental impact by this and could be changed for ever if we do nothing. Many Members are probably wondering why the States do not simply buy the site and refurbish it itself. As I mentioned yesterday during the National Trust presentation at 16 New Street, we do not tend to be very good at that. Can I remind Members of the La Folie Inn, an historic building with considerable social and heritage value, which has been allowed to continue to decay and fall into decline while master plans were drafted, debated, consulted upon, redrafted and yet have failed to materialise in any substantive form. Sadly, the regeneration so desperately required remains increasingly elusive and this could equally be applied to Fort Regent and other projects. I think we, as an Assembly, need to decide whether we wish to continue to be responsible for more of this, more of what is seen by the public as procrastination, or whether we can now work together to focus on delivering projects in a timely, prudent and effective manner. If we are serious about increased efficiency within Government, we must recognise the vital role of our partners and the third sector in helping to deliver certain strands of Government and Assembly objectives. If we continue to have the mindset of doing everything ourselves, we will simply end up with an ever-increasing overburdened public sector, greater expenditure and a depleted third sector. I am proposing today that the National Trust for Jersey should be seen as an essential partner in this endeavour. The National Trust has a strategic objective to protect and preserve Jersey's coastline and provide access to the public and launched its coastline campaign back in March 2006 to bring this into effect. Already they look after over 30 of the Island's historic buildings, care for over 2 per cent of the Island's natural environment and their brand, the National Trust, has international recognition and is indeed in synergy with Visit Jersey's key target audience. PwC has recently estimated that the trust's work benefits Jersey's economy by £11 million every year and this is achieved at no cost to the taxpayer and is a staggering amount for such a small local charitable organisation. Surely, I would contend, it is our role as Government, as an Assembly, to help facilitate and build the capacity of such organisations in recognition of the benefit they provide to our community. To do otherwise is not sensible, as undoubtedly the work they undertake would then fall to the Government to fulfil. Put simply, charities and organisations save us money in the long run. Grève De Lecq provides just such an opportunity. The potential vision presented by the trust is compelling. They will deliver social, cultural, environmental and economic benefits without any further cost to the public and will ensure this is done in a timely manner and with adequate public consultation. All further developments will be funded by the trust and no further States funding will be sought. They have already committed £500,000 to the project and expressed their intent to raise another £2 million dependent upon the outcomes of the consultation process. That £2.5 million figure is on a project costed by the trust, and I know more detail of costings will be forthcoming should my proposition pass today, which is based on refurbishing the existing facilities and building down there rather than a complete new build, which would be more expensive. Alternatively, removing all of the buildings and returning the site back to nature would cost a lot less. Why would we not want to see an interpretation centre for our coastline and marine environment together with proper facilities for coasteering, Wetwheels and other activities and educational activities for which facilities would be provided? Above all, their vision is not seeking to make a profit out of this project but rather to provide a facility that enhances the bay and secures permanent public access, while any rental income generated from the café would simply cover the day-to-day running costs as well as future maintenance and repair. That is another area that the States are not good at. We have neglected our properties and we never provide enough budget for them to be maintained in good order. In other words, the trust would ensure that this asset remains financially sustainable. The trust's track record speaks for itself. In partnership with the Government they acquired Plémont, cleared the site and opened it to the public within a year. Likewise, as part of the fiscal stimulus initiative, they refurbished Morel Farm within just 18 months to create some exceptional self-catering

accommodation for the benefits of Islanders and our visitor economy. Independently of Government, they have restored Devil's Hole, constructed the wetland centre adjacent to St. Ouen's Pond, saved 16 New Street from demolition to deliver a heritage attraction and a cultural hub, saved the Foot Buildings from demolition to create a café, art gallery and 3 residential units, and refurbished Grève De Lecq Barracks into studios and self-catering accommodation for ArtHouse Jersey. What underlines all of these projects is the significant public benefit that is being generated and it is my contention that this is why they are the most appropriate partner for the work that needs to be done at Grève De Lecq. I believe they will get the job done, giving us a strategic asset that benefits our local community and visitor economy. Of course, some will question, and rightly so, whether £3.6 million is too high a figure for purchasing the site and there are a number of valuations, I understand, and estimations of what it is worth floating about but I ask Members, when considering this, to think of this as a long-term investment in our coastline, in our natural environment and in providing a rejuvenation project for Grève De Lecq Bay, which is an important part of the Island's culture. Undoubtedly, if we delay we may make a saving in due course, if any other Member thinks they can negotiate a better deal, but equally the owner may seek to revise their planning application to enhance privacy and as a result further reduce public access. If a single dwelling is deemed not viable, we have a site there with residential permission and the owner could seek to further enhance that residential permission. So we should be alive to this as a real risk and whether that is successful or not, it could certainly tie up the site for at least another 2 or 3 years. The purchase price of £3.6 million, to put it into context, is just over 0.3 per cent of projected Government expenditure for 2024 and is a relatively small price to pay to safeguard access to one of our strategic coastal sites, although, as I mentioned earlier in answers to questions, I believe that funding could be found for this from underspends in 2023 capital projects, but of course that is a matter for the Minister for Treasury and Resources to decide should this proposition be successful. It should also be acknowledged that Deputy Stephenson's amendment ensures that the public remains a key stakeholder in the site because, in essence, the site will always remain either in the ownership of the trust or the public, thus safeguarding its importance to the Island while avoiding any what might be classed as inappropriate privatisation. We buy it, we give it to the National Trust. If at any time in the future they do not want it, they cannot sell it. They have to return it to the public. I am grateful to Deputy Stephenson for lodging that amendment and I hope that gives Members some confidence. Largely, based on that, the fact that it either belongs to the trust or to the public, is key to why I am asking Members today to agree to purchase the land on behalf of the public and to partner with the National Trust to create something exceptional for Islanders and to protect this valuable part of our coastline for future generations. I make the proposition.

**The Deputy Bailiff:**

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

**Deputy S.M. Ahier:**

Point of order, if I may, Sir. Standing Order 106, I wondered since this proposition is allocating such a large sum of money to the National Trust of Jersey it might be appropriate for a declaration of interest for people who are connected to the National Trust of Jersey and for your consideration as to whether they should be able to vote on the proposition.

**The Deputy Bailiff:**

Thank you for raising it, Deputy Ahier, but I cannot see how that can be a direct financial interest. Thank you for raising it.

**Deputy S.M. Ahier:**

Sir, nonetheless I will declare that I am a member of the National Trust.

**The Deputy Bailiff:**

If you wish to do so, you may but I do not think Members are not required to.

**Deputy H.L. Jeune:**

I also am a member of the National Trust.

**The Deputy Bailiff:**

I have to make a note and it has got to be on the transcript. So, Deputy Le Hegarat, do you want to make a declaration? I need to say who has made a declaration.

**Deputy M.R. Le Hegarat:**

Apologies, Sir. Yes, I said I am a member.

**The Connétable of St. Martin:**

Yes, I am a member.

**The Connétable of St. Brelade:**

Yes.

**The Connétable of St. Mary:**

Yes, I am a member.

**The Deputy Bailiff:**

Deputy Catherine Curtis, Deputy Scott.

**Deputy I. Gardiner:**

Sir, I would like to ask, as a member we do not have financial benefits so just to declare the membership of ...

**The Deputy Bailiff:**

You are not required to declare the membership but people have voluntarily done so.

**Deputy I. Gardiner:**

Paid money for the membership. I am a member of the National Trust but I am not getting any money from them.

**The Deputy Bailiff:**

No, you are not. Thank you. Does any Member wish to speak on this proposition?

[14:30]

**7.1.1 Deputy E. Millar of St. John, St. Lawrence and Trinity:**

I am going to speak in my capacity as Minister for Treasury and Resources. The first thing that I do want to say, and I would ask all Members to bear this in mind when you do speak, is I feel personally a huge amount of discomfort in discussions about what should be a commercially sensitive matter in this forum, particularly when we are online and anybody can be listening in. I would ask Members to remember that if we vote against the proposition and comments are made about the value of the site, that may be very damaging to the interests of the seller, so I would ask that people bear that in mind. I do not believe this is the best way to deal with a property purchase but I will just flag that point. On 19th July the Assembly voted that the Minister for Treasury and Resources should negotiate on behalf of the States for the purchase of this site but, secondly, to ensure that the negotiated price represented value for money and that the price was subject to independent review. As a consequence of that decision, valuations have been obtained and I believe that the former

Minister for Infrastructure conducted negotiations with the vendor with a view to agreeing a sale price. However, negotiations reached a stage where the asking price remained in excess of the assessed value. The current price is also considerably in excess of the assessed value that the valuers gave to Government. Only a week ago - it feels much longer - I was talking here about value for money and how it would be a priority and how I wanted to make sure that we achieved the best outcome for the spend and making sure that we spent money wisely and effectively. I find it difficult to conclude that on the usual principles of any property transaction that this is value for money when we look at the proposed price and the valuations, but I think we have to reflect that this is not a usual transaction. We are not buying the site with planning permission for a house and a café, which will be part of the valuation, with a view to building a house and a café, quite the reverse. We are buying this site to stop a house being built, so the planning permission and its contribution to valuation, in my opinion, is virtually irrelevant. The National Trust do have a very compelling vision that will also require to perhaps go through planning permission and it will also be subject to the basic principles of is it going to be commercially viable. That is a decision for the National Trust. My understanding is that the National Trust would provide all the funding for the development and that we will not be seeing future propositions asking for money to develop the site. The purpose of this proposition is clearly to preserve the site for the Island for the future because the bay is becoming dilapidated. No bay is more dilapidated, in my opinion, than one in my own district, which is Bouley Bay; the difference being that that is not for sale, I believe, and I believe that that is going through planning and we will have a house on that bay. I do have some concerns, as a Deputy, that we are sending a message to unscrupulous property developers that if they buy land on a bay and get planning permission for a big house, the States will swoop in and buy it from them at a profit, so we need to bear that in mind. The proposition is, at its heart, about saving Grève De Lecq for the benefit of future users and for the Island and that does take us from an objective, value for money, logical perspective accounting basis to something that is entirely subjective and quite emotional and it really does come down to how Members feel in their own heads and hearts about the proposition. I am somewhat hampered there in that I do not feel particularly emotionally attached to Grève De Lecq as it is not a bay I have spent a lot of time in. It really is for Members to decide whether they think this is money well spent with a view to all the other challenges that we face at the moment. As I say, I think it is an emotional decision and it is entirely a matter for Members to consider, and I am going to say no more from a Treasury perspective and I will leave in your hands. The last thing I would simply say is that I did comment yesterday at the National Trust presentation that the vision is compelling. It was very well presented and it is a very interesting proposition but I really do hope that they will liaise with Visit Jersey to make sure that to the extent they are seeking to support our tourist economy that they are developing it in a way with what the reality of our tourist economy is going to be in the future, and that it is not based on a vision that has stopped being real of coach parties and lots and lots of young families coming here as tourists and that we are addressing the reality of our tourist market and not a memory of it.

### **7.1.2 The Connétable of St. Saviour:**

I would agree a great deal with what the Minister for Treasury and Resources has just said regarding revealing the price. However, I believe it is in the public domain so I think that horse has bolted. I will be supporting this proposition, as amended. I do remember the good old days of many, many dozens of coaches parked up there, many, many cars, but even in recent memory the present car park is really oversubscribed during summer months and this will be a boon to Grève de Lecq to have this car park back and basically, once it is gone, it is gone for ever. We must buy these plots of land as they come up because we need to protect it for the future of our children and grandchildren. La Folie was also touched on, which I would also support. La Folie has been empty and boarded up for many, many years. I understand that does come under Harbours and Airports. I understand that plans are afoot, but plans have been afoot for some time now and it is really time we cracked on. It would make a lovely restaurant or something. We have lost so many beautiful buildings in the past in Jersey

plus plots of land, and we really must look after the ones we have. As I mentioned La Folie, also we need accommodation for the sea cadets. We have lost so many like the old Forum Cinema and many other theatres and such like. As I say, once they are gone, they are gone. So I will be supporting this proposition, thank you.

### **7.1.3 Deputy L. Stephenson:**

I am grateful to the Deputy for having the proposition read as amended. I lodged the amendment in response to some questions that have been raised by members of the public around what could happen. They did not want to see the site sold off for profit in the future, so hopefully it makes a reasonable improvement to the proposition. I spent most of my summer holiday last year, not the whole summer, but the holiday that I went on in the summer, down in Dorset with my family fossil hunting on the Jurassic coast. We spent a lot of time on Charmouth Beach looking for dinosaurs as you do when you have 2 young children. They had a really fabulous interpretation centre at Charmouth and it was a very simple place, but it was very, very effective at what it did. Obviously, it did have the call of dinosaurs, which does help, but they had a very simple group of displays alongside a little shop, they had volunteer experts on hand and some displays and things going on, on TV screens and others. There was a small shop, as I say, there was a local artist downstairs with a pottery studio, which was particularly nice. There was a little fish and chip shop as well. They had guided walks running out of the centre, seashore safaris, school visits did come there, and I did a little bit of looking about some of the visitor numbers because when we have been talking about Grève de Lecq, and I went to the presentation that Deputy Farnham mentioned by the National Trust and they started talking about an interpretation centre. It really reminded me of this one that I had visited in Charmouth. This one in particular welcomes more than 100,000 visitors a year, and it runs as a small charity and is kept open by donations. As I say, it is quite simple but very effective; it has wardens and a team of volunteers on board. But the thing that really struck me when I visited was I was obviously there with young children looking for dinosaurs, as I say, but there were all ages, there were older couples having their fish and chips, there were tourists, there were locals, people from all over the world were there. What we have in Grève de Lecq, but specifically with this proposition and looking towards the National Trust, is we have a partner who is ready to take on that role now and they are ready to do it immediately. They are going to contribute some of their own funds to get it going and resources and use their contacts and vision, which they are already developing. They have a real capacity, as we have seen over the years as well, the National Trust to fundraise and launch those public campaigns. I do not think we should underestimate just how important that is when there is something like this going on. I know that some Members, and indeed some members of the public, have asked why: “Okay, this sounds like a great idea, we want to acquire it, we want to protect it for the public, but why should it be in the National Trust?” In my view, they are a key stakeholder in this area already. They own areas of Grève de Lecq already and up into the coastline and really they are at the heart of this area. They are a trusted partner with a real proven track record as we have just heard from the Deputy. As I have just said, I do think they have the ability to fundraise and do so very effectively and quite quickly as well. They share similar principles to what Government should be aiming to achieve with this site, in my view, and they are part of a global network, which is recognised and respected around the world. I am also really, really encouraged by the fact that they have committed to a full public consultation before any plans for the site are finalised. That is really important. We have heard from many members of the public about this site, or I certainly have, over the past year or so. It does have a special place in many Islanders’ hearts and they would really value being able to contribute towards that as well. Deputy Farnham’s point about delivery and the capacity of Government to deliver at a time when we have so many pressures as well, it is an important one that we should really not forget as well. So, as I say, the amendment was a simple one; hopefully it does strengthen the proposal. I would just point out again that the Trust has said that they are happy with that condition being added as well. The Minister for Treasury and Resources has made some important points and I am glad to hear though that she did then move



on to considering value in terms of the social, cultural, environmental, and economic as well that is mentioned, because, as she did quite rightly point out, this is a subjective point where we are at now. But I would say that it is not just an emotional decision. We regularly talk about our responsibility in this Assembly to listen to the views of others, and so we are also acting on behalf of our constituents in that regard, and certainly many of mine have been in touch to say that they absolutely support this. I know they would say that given that it is St. Mary, St. Ouen, and St. Peter, but that is really important. That is what we are here to do. It has taken much longer to get to this point than I would have liked, given that some of us have been talking about this since we were first elected, but I do think we do have an opportunity before us here today, which we should not ignore. We can be bold and exciting but recognising our limitations or Government's limitations to have that partner on board, to be able to help us achieve that is really exciting and could have a real positive impact for our community and our Island and for visitors as well. I would just remind the Minister for Treasury and Resources and the Minister for Infrastructure that my amendment to Deputy Farnham's first proposition on this matter last year, which was brought and agreed by the Assembly, asked them to consider options, consulting as necessary, for enabling the Government of Jersey to be notified when properties or areas of significant value to the people of Jersey become available so that early consideration can be given to potentially acquiring them on behalf of the public. Six months on from that amendment being approved, it would be nice to have an update on that work and I will give this as notice that I intend to ask both Ministers a question on that matter very soon.

[14:45]

#### **7.1.4 Deputy A. Curtis:**

I am speaking more today than I do most days. I will not spend long on this as I believe Members will have their different reasons for voting, whichever way, on this application. But I cannot support any part of this proposition. I did support the Deputy in July 2023, despite sharing my frustrations that this could have been avoided if process around the application of marketing the site publicly had been followed and was given greater weighting in the planning process, but I did nonetheless support. What I struggle particularly with here is we, as an Assembly, agreed an amendment that required us to look at the best value for the site from an independent valuation and that we should follow that guidance when negotiating. It seems to me that we agreed who should perform the negotiating on this site and we have had a private member negotiate on the site at a price that, to my understanding, does not reflect what our independent advice advises us of on the site and clearly the site has had very little interest in the following 6 months from the proposition. The Minister for Treasury and Resources has touched on value for money, and this is really important that the new Government will have to take a grip of, because, like all previous Governments, we have to grapple with the potential public sector bias. That is when sellers of any service, whether it be I.T. (information technology), infrastructure, or property, see Government, they see us a million miles off and they go: "Okay, we have you over the barrel on this one, because we know how to negotiate with you, we know the challenges of public sector procurement." This is a real risk that we could be once again put in the position where we are accepting a substandard price because we are making a political decision and we have to be far stronger in our negotiations as to what things are worth to us. As I say, especially with thanks to the amendment from Deputy Stephenson in July, we must ensure that processes are in place that we have that strength behind any decision we have to make. For example, advanced notice of sites. It has also been mentioned that there is a risk of a revised application coming back to the Planning Committee and I say, without prejudice, as a Planning Committee member, given all applications will be subject to the relevant policies of whichever live Island Plan will be there at the point of determination, that I do not see this as a significant risk. It may be that the proposed live application, as it is, is not very interesting to developers to purchase, but an application that would minimise further the public realm and the employment land aspect would likely not curry much favour with Island Plan policies. That said, obviously all will have to be weighted with the detail of a scheme. What we have also seen from the National Trust, and we must thank them for this, is that

there is a good opportunity to reuse buildings on the site. The Planning Committee, on the date they did approve the application, they weighed up all factors, including that of public listing of the site, which did not occur, and they considered that it was the improvement of the landscape character alongside the retention of public access and employment land that was a tightly balanced decision. Any change to that, regardless of financial viability, as I say, is something that we do not have to worry about and the view that we have seen from the architect firm that has worked with the National Trust is there is a way to reuse what is on site and there is a brighter option that will soften the landscape area of the car park, which was a major concern for committee members on the day. So now that a counterfactual has been provided, I am sure much more robust discussions at the committee table would occur. Lastly, I should ask, and I am sure that the Deputy who brought this might not be interested in my views at this point having stated I will not support it, that he will take this in parts because Members who I have spoken to may well support purchasing at this price, that is their right, but some may choose not to support part (b) of the application, which would be to give it to the National Trust. I would ask the Deputy to reflect on that and I will leave Members to make their decision; they know how I will vote.

#### **7.1.5 Deputy M.R. Scott:**

I feel like Deputy Alex Curtis and I are a bit like those weather men, who kind of come in and out, because I did not support the former proposition for Government to acquire the site, but I feel warmer towards this one. As with the Plémont proposal, in which public money was used to assist the National Trust in acquiring the former Pontins holiday campsite, the States Assembly is being asked to approve public spending with the object of taking something of potential value to our community out of government hands. Government is regarded as a poor caretaker of public property. That is some admission. Unfortunately the evidence for it is all too apparent from the many examples of deterioration of the Island's public estate from lack of maintenance. I hope that our new Minister for Infrastructure will finally take this in hand. Meanwhile, our local visitor economy is suffering from a lack of investment in a number of ways. Its offering has diminished in many ways, from loss of cafés to continued loss of hotel beds, and we need hotel beds to maintain air and sea links for Islanders. If this site is not acquired in the way that is proposed in this proposition, I fear it will become another Zanzibar, in which a former restaurant in St. Brelade's Bay was developed for private housing. This is notwithstanding the planning policies that were existent at the time, which remain at the time, that sought to protect visitor economy premises through advertising. Having substantial experience off the outcome of planning applications in the case of St. Brelade's Bay, I can say it is not that difficult to lose restaurant and café sites in this way, and it is even easier to lose hotel sites. Sometimes there are good reasons for that. But there are places that we do wish to keep special. So there are a few things that need to be looked at, the extent to which planning officers police the advertising of commercial sites may need to be looked at further, along with the robustness of planning policies to preserve them. I would be very happy for the Department for Sustainable Economic Development to look into this matter and to give whatever assistance I can. I am in support of this proposition, but I would like to remind States Members how we got here. It is because our planning policies are not robust enough to protect the places we wish to keep special for the public. Time and time again, planning policies have been reviewed without this lacuna in planning having been addressed. Planning policies are to be reviewed in the term of this States Assembly. I suggest it is the responsibility of each States Member to consider the special places in their own constituencies that they believe need to be preserved for their natural beauty or visitor economy value. It is the responsibility of those States Members to learn now if current planning policies are adequate to protect them before the review of planning policies takes place so that propositions can be brought by us to shape revisions in those planning policies. Because, from my experience, having worked with the Constable of St. Brelade in proposing amendments to the bridging Island Plan, proposing policies to protect sites such as hospitality staff accommodation sites during the formal review of the Island Plan can be too late. In my experience, it is like that is not how that structure of this document

works, and then there is no policy, and then there is no protection. I commend Deputy Stephenson for her amendment to this proposition, which is very sensible. I agree what the National Trust has achieved with the Plémont Headlands is encouraging. Quite what is feasible and sustainable for the site really is a matter that the National Trust itself needs to consider, and I note its intention to raise its own funds to help develop the site, while also running a public consultation. In summary, I support this proposition, but I very much hope that we can prevent this coming again and again before the States Assembly as a last ditch attempt to save special places at what could be regarded as an inflated price and that, come the revision of planning policies, we are much better equipped and more proactive in ensuring this does not happen again.

#### **7.1.6 Connétable M. O'D. Troy of St. Clement:**

I want to talk about the alternative. Grève de Lecq, in my view, is a little gem and it looks shabby. So the alternative, if we do not grab the nettle by the hand is that we let it go. The economic cycle is changing and in about 18 months' time costs for building are already going down slowly, interest rates are going down, et cetera, et cetera, and I fear that the gentleman who owns this property may have a change of heart. I was very disappointed to lose the Waters Edge Hotel a few months ago and felt it could have had many uses, including for the state realm. But the alternative is that, if we let it die away, we lose business that is already there. So I need to talk about the price; £3.6 million is probably a bit too expensive. But you get that back and I will tell you how. You have 2 thriving cafes down at Grève de Lecq, which you may lose if we do not pay attention to the environment, the bus service, the road network, et cetera, et cetera. There are 2 hostelrys there with accommodation and there is also the self-catering, then there is the staffing, the I.T.I.S. (income tax instalment scheme), the social security that you garner for 20 years to come, if you keep the area vibrant. If you do not then you are going to lose those because they will not be able to trade without footfall. We know, and I do thoroughly respect the Minister for Treasury and Resources is trying to keep hold of the purse strings, but occasionally these things come up once in a generation and in this particular instance I would implore everybody to protect our heritage, our natural environment, our green areas. The hill coming down Grève de Lecq with all that pasture, the trees, and God knows what, and the view straight out across the bay, we need to protect all that for our children, our grandchildren, and also our visitor economy. It is still there, it will grow in small elements, but we need to protect what we have. But most importantly, we will be sending a message to the café owners and the businesses there that we are not really terribly interested. Just try to work out, if you can, how much money they earn in a season compared to the £3.6 million, supposing it was half in one year, and they have paid their wages and they have paid their social security, and they have paid their builders and maintenance and food suppliers and they have paid all those people, which makes up our economy. Do we want to lose it or shall we keep it for posterity, for generations to come, and I will be voting for the proposition in both parts.

#### **7.1.7 Deputy A. Howell:**

In much the same vein as the Constable at St. Clement, I believe that this is an opportunity and it is an opportunity that does not come about very often and it is an opportunity that we should grab by the hand and say: "Yes, this is something positive we are going to do for all the people of Jersey because everyone will have an opportunity to go and enjoy that beautiful beach." I have taken my 90 year-old granny in her wheelchair with her great grandchildren and we have dammed up the stream as it comes out and it is a great place. It is more important than just money, it is so much that we are going to give back to the people of Jersey and I implore everyone to support the proposition.

#### **7.1.8 Deputy C.D. Curtis:**

I am a member of the National Trust and they do great work. I want to support this proposition, especially with the amendment from Deputy Stephenson. I would, however, like confirmation on a couple of points: that the National Trust does have the funds to undertake the development and

maintain it; also I was disappointed at the recent briefing to hear that they had not yet consulted with the users in the area, like the nearby residents, Colleen's Cafe, boat owners, et cetera. It is imperative that an organisation that will be gifted land by the public of Jersey via the States Assembly should, right from the very start, be consulting with the public. Otherwise they are seen to be exclusive. So I asked the Deputy to answer these questions in his summing up.

**Deputy K.F. Morel:**

It is a question for the Attorney General, if I could, and it is about the amendments. It is just to understand whether the Attorney General could confirm that can a contract be written whereby ownership would revert to the Government of Jersey, or the States of Jersey I should say, in the event that the National Trust decides to divest itself of ownership? How automatic can that be within a contract? I just want to make sure that is a viable proposition within a contract; can that be done?

[15:00]

**The Attorney General:**

The short answer to the Deputy's question is yes, an enforceable covenant can be included in a contract to provide that. In the event of a change of ownership of the relevant property then another party has the first option to take over the property. There is an old concept in Jersey Law, which is the maxim of *donner et retenir ne vaut*. In short it effectively means that one is not supposed to give and then take back again. I would regard that as a very theoretical risk in this case. It is quite common in contracts for purchase of land that, in the event of a change of ownership in land, then a party has first rights to reacquire the land. So I give that confirmation.

**Deputy K.F. Morel:**

If I may continue my questions and the reason I asked is as much then because that is not what the amendment asks for. The amendment does not ask that the Government or the States of Jersey gets first option; the amendment clearly says that land must be returned to public ownership if the National Trust decides at any time to divest itself of ownership. So the amendment does not ask for a first option, the amendment asks for ownership to be passed straight back to the States of Jersey, and that is what I am trying to understand.

**The Deputy Bailiff:**

Yes, Mr. Attorney, that is the construction of the proposition for me and the Deputy is right, it is a matter of return to the public.

**The Attorney General:**

It is and for me to give definitive advice I would need to go away and research this question in more detail. I do maintain my preliminary view that it should be possible to include an enforceable covenant in the way that is set out in the amended proposition. But as regards this question of *donner et retenir ne vaut*, I am afraid it is not a question that comes up very often. It is an old concept of customary law and it arises, or it used to arise, in trust disputes before our Trust Law was amended. So it is not a concept that frequently arises, but I am afraid, in order to give definitive advice, I would need to research it further.

**Deputy M.R. Scott:**

Just to follow up with the Attorney General, so just if I might ask, am I right in thinking that although one alternative could be for a long lease of say 999 years, that the way that the current proposition is drafted in talking about a gift does not contemplate that as a possibility?

**The Attorney General:**

Yes, the Deputy is correct.

**Deputy K.F. Morel:**

So it is more to have a speech now rather than ...

**The Deputy Bailiff:**

You can speak now.

**7.1.9 Deputy K.F. Morel:**

My concern around this proposition has always been around the gifting to a third party. I completely agree with those speakers who have talked about bringing it into public ownership; completely at ease with that. As with Deputy Alex Curtis, I am concerned about the price but I accept that over hundreds of years that disappears as well, though I would have liked the Minister for Treasury and Resources to tell us exactly where the money is coming from, but that is okay. But my concern is about this gifting to a third party and it is the issue of a gift. For me, a gift means you are handing over ownership, it is no longer public ownership, it moves into a third party, in this case private ownership of a trust. Obviously I do hope the Attorney General can come back and tell me that, yes, in a contract we can have something where ownership reverts automatically back, it is not about first options, because that is not what this amendment asked for. So for me, I would be a lot more comfortable if we were in a position, as Deputy Scott suggested, where we were talking about long leases, which can be an inordinately long length of time. If, for whatever reason, and in that sense I am tempted to ask the proposer to take that back and make some amendments to this so that it could be about leases. But equally the other condition that I wish I had thought of sooner was that the National Trust Jersey may choose to divest itself of ownership, so it comes back to us. But also, if National Trust Jersey were to stop using it in any way, because again none of us know in 75, 150, 200 years' time what state the National Trust Jersey will be in, in terms of its finances. None of us know, it is impossible for us know. We can pretty much guess that the States of Jersey will be here, if we are not. So, in that sense, the National Trust may fall on hard times at some point in the future and may not be keeping the property up as it should be doing. In that sort of situation I would also like to see comfort in ownership reverting back to the States of Jersey because there would be nothing worse than something that we bought, we have gifted, and then is not being used properly and is not being maintained properly. The public would then just have to put up with that. So for me, I do have concerns. I definitely go with the idea of having this being taken in parts because I do struggle with the gifting because I do not have confirmation from the Attorney General and I do think there are better ways of handling the ownership so that ownership maintains with the public. But a long lease can be given, as you said - a very, very long lease can be given - which would in itself ... that lease contract would likely have terms such as: "If the property is not being kept up, it would revert back." The lease would fall and it would revert back to the Government. So that is where I am with this. I am fine with the concept of the public buying it, I am good with that, I can handle the price, but I do struggle on the gifting because I am not sure we can get that back.

**7.1.10 The Connétable of St. Mary:**

I am very much aligned with the thoughts of Deputy Morel, as I understand them. The area is in my own Parish and my feedback is, and was at the time of the original planning application, as a concern about residents and members of the Island community as a whole being deprived of access to the beach and the car parking that goes with it. I maintain that is their main concern. So where I am coming from is that, looking at the proposition as a whole, we are in one breath buying the land and then handing over full control to National Trust. I am not saying for one moment that National Trust have not got good ideas, but it seems to me that, having acquired the land, it should be the States of Jersey, through our Scrutiny process, that decides whether the plans submitted are the best way forward. My present inclination - I will listen to other arguments - is that we stick to part (a), which is we buy the land and I think the price is probably more than I would want, but we are where we are, as they say. But again, as Deputy Morel said, the future is more concerning and again I understand

from the presentation that National Trust do have the facilities to clear the area and put the car park for 48 spaces very, very quickly, but the rest is going to involve resourcing from the public as well. They will be looking for funding for it, which brings up the situation as to how long is that going to take. We should perhaps be considering some form of time limit by which they should implement certain proposals. At the moment it seems to be open-ended and, once we have given it, the States have no leverage over what should happen. So my present inclination is to approve part (a), but hold back on the rest.

#### **7.1.11 Deputy J. Renouf:**

I must say, I share with Deputy Alex Curtis some frustration at the situation we find ourselves in here. I perhaps, however, will come down slightly on the other side of the dividing line in terms of voting, having found that a very close decision. It is worth thinking about how we got here and the fact that we are, in a sense, avoiding some of the harder questions that this situation raises for us, which if we look at the history to this, the initial planning application on the site was approved partly on the basis that it would involve a significant shrinkage of the footprint of the built area. The Planning Committee approved it with that carrying considerable weight, as I recall, and I recall it because I was one of the objectors, along with Deputy Curtis, to that application. I believe, incidentally, although he needs to confirm it for me, that Deputy Luce was the only member of the committee who voted against that application. Then, as Members will know, there is an appeal window for 28 days in which the application can be appealed, and then on the day the appeal window closed, maybe the day after, an application was put in to expand the house on the site, in other words the initial application was approved significantly on the basis that it was a shrinkage and then, as soon as the opportunity arose to increase it, the footprint was then increased again, therefore increasing the value of course of the site. So, in a sense, none of this of course is wrong, by the way, the developer is entirely entitled to do that and good luck to them in a way. But it does raise serious questions for us about our planning system that we allow this kind of thing to happen. Because you could say, in a way, we have been done over here. The property was initially valued at £1.5 million and thanks to the way our planning system operates, we are going to, if we approve this, pay £3.6 million for it. That is why I say “frustration” because it feels to me like we are applying a sticking plaster here and we are avoiding the hard decisions, which we might need to take in order to remedy this from a structural point of view, rather than just thinking every time a property comes up that we have an emotional attachment to, we try to do something about it. My second point is that, contrary to some speakers, I do support the National Trust taking over the site. I do not have as much concern about the reversion clause, and it seems to me, although obviously I need to defer to the legal opinion on this, that the first option to buy is simply the mechanism to achieve the objectives set out in the proposition. The proposition simply states what we would like to do, and the Attorney General has outlined the traditional method, if you like, by which that would be achieved through law. So I do not have as much concern about that. I also think that the points made by Deputy Farnham are in connection with the alacrity with which the thing might progress, the project might progress here. The fact is the National Trust are able to move relatively quickly, they have demonstrated this by their track record. For the record, I would say I do not want to see the site levelled. Where we have had developments that sit in the landscape that already exists, it represents a terrific opportunity for the Island and it requires a kind of a leap of imagination. We need to think beyond what is there now and the fact that there is a café and would it take business and so on. What we are talking about here is reimagining what Grève de Lecq Bay is in the Island’s ecosystem, if you like, of tourist and leisure offerings. Because the potential for that bay to become a hub for various activities, which are currently not well catered for, coastering in particular, but paddleboarding springs to mind as well, kayaking and surfing, they all operate out of Grève de Lecq at the moment, but do so in a kind of stunted and handicapped fashion because of the facilities to store equipment, to unload equipment, and so on are difficult to access. So what I would encourage the National Trust, if they do end up taking this over, is to think about not just the interpretation centre, which is a very educational and

worthy and important part of what might happen at the site, but to focus on the opportunities in terms of leisure and tourism activities. Thinking about, for example, the way in St. Ouen's Bay, the El Tico restaurant has the surf shop next to it, and those 2 things are very synergistic and they support each other massively. I could see how in Grève de Lecq, that might also be the case.

[15:15]

So, rather than going for the cheap option in a way, which is to be demolished and returned to nature, which would no doubt look lovely, we have too much of an opportunity to go down that route. So my final point is around the frustration that I mentioned at the beginning, and thinking a bit bigger about what the implications are that are raised here. I would make a few points. We always think of these purchases in terms of the countryside and whenever these things come up, whether it is the Bouley Bay Hotel, which has often been referenced, obviously Plémont, we are talking about the countryside. We are not thinking in a strategic way about how the Government or the people of Jersey might gain access to strategic sites that are important. We do not often think about this in terms of town or the built-up area in general, where the need for green areas for strategic assets, which may be nothing to do with the environment, car parking or school sites, we do not have a mechanism where we can intervene as Government to do something about that. I really commend Deputy Stephenson for her amendment to the original proposition and I am disappointed in a way that there has not been more progress in that. Because we do need to think bigger and we could think about lots of things, we could think about turning J.P.H. (Jersey Property Holdings) into an arm's length organisation and giving them greater freedom and possibly giving them a mandate to purchase property as one example, but just an idea. But we do not have a strategic purchase arm, so we have acted in an ad hoc way at the moment. The opportunity to have a mechanism by which Government has effectively first refusal or has the ability to move in on a purchase at the same price that the private sector has been able to agree, is something that works in France. In France it is common for a local authority to be able to, if you like, trump a purchase that has been agreed between private purchasers because it is regarded as a strategic asset. The seller still gets the same price but the Government gets the asset. Now, I am not saying that either of these solutions are the ones that would work for Jersey, but I do think that if we are to avoid this situation where we keep coming back to the Assembly with ad hoc things, we should think about that very seriously. Because at the moment we are being presented with this as if it is a kind of pain-free purchase out of underspends in the capital budget and so on. But it is not really. Those underspends would normally be rolled forward and the projects would continue, so something is going to have to give here to make this happen. That £3.6 million is money that is not going to be spent that would have been spent on something else. It is not a pain-free purchase, so that lack of a strategic vision here is what is really hurting us. I will support the proposition in both parts because I do think we have been left with an opportunity that we cannot turn down, but it pains me greatly that we find ourselves in this position because of the weakness of the planning system that we have. Not just the planning system, it is only partly the planning system, it is this lack of strategic vision.

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

We have heard both Deputy Stephenson and Deputy Renouf speak about the need for us to look at potential strategic assets and I fully support this view, and I know that Deputy Binet was thinking along similar lines when he was the Minister. Just today I have received information about potential sites that the Island may be interested in that I will explore with officers and colleagues. Likewise, we need to make some decisions to divest land and property that may no longer be of use to the Island and release some capital if it is appropriate. That capital could be used to invest in strategic sites. Speakers have spoken about the lack of investment in our estate. As I said last week, I will champion investment in this area, but I would remind Members that we all have a part to play when it comes to setting our Government Plan and when funding is asked for. In my view, there is as much need for car parking in St. Helier as there is in the west of the Island; in fact there is a more pressing need for

parking in St. Helier than there is for the seasonal peak at Grève de Lecq. I would also like to assure Deputy Stephenson that it is not only residents of her district who use the bay. I know many St. John's residents use the bay for a whole host of reasons. I have had a number of those parishioners contact me to encourage me to support this proposition. If I may, I would like to quote from just one of those pieces of correspondence. After talking about how they use the bay and how long they have used the bay, they go on to say: "Now that the car park is not available, parking is not always available in the Martello car park, and when it is a busy road with a particularly blind corner has to be negotiated with the children." Use of the car park when it is returned to public availability is sorely needed from a safety perspective. It is also our great wish as a Jersey family that the site is not developed for housing for an uber-wealthy individual as this would spoil the bay completely. Having listened to speakers, I think the priority is to buy the land and I do not think we need to rush into a decision as to how this is managed going forward, so I will support part (a) but possibly not part (b).

#### **7.1.13 Deputy D.J. Warr:**

Of course just as I want to speak my screen goes blank; that is really handy. As much as I inherently support the initiative, my greater concern is its cost and perceived inequity. I find it really interesting to hear the Constable of St. John talk about strategic assets and how we should be considering that. The Constable of St. John used the term "the indefensible use of public money" in a previous debate. He referred to the spending of £240,000, an investment in the skills and expertise needed to oversee improvements in patient safety. This Assembly is being asked to spend £3.6 million on a car park and buildings. Is this a defensible use of public money? I want to move on to what for me is a far more important issue, and that is of the perceived inequity. I am a little disappointed that none of my fellow town Deputies have stood up and said anything to date. As a St. Helier Deputy, I am very concerned that the Gas Place site continues to remain undeveloped, a running sore in the middle of St. Helier. The fundamental problem is there has been little appetite from the Government of the day to pay Andium for the site; a site Andium purchased back in 2017 for £10 million and which has subsequently had 2 planning refusals and has incurred further costs for site clearance of £5 million. Because of this reticence to open the purse strings the Gas Place site remains undeveloped for either a school, as we have been discussing this morning, or a full park extension, which I know the Constable of St. Helier is desperate to see. The north of St. Helier has historically been one of the most deprived areas of our Island. Its residents have been treated as second-class citizens for far too long. They need reassurance that this Government will look after their interests. These are the people who probably are not even aware that this debate is taking place because they are probably working their second job, and hence they need their Deputies to defend their right to great public space. I will, therefore, only support this proposition if the Chief Minister - I am referring to Chief Minister; I guess this is brought as a Deputy proposition - that Treasury makes a payment to Andium Homes of £15 million for the Gas Place site at the same time as paying for the Grève de Lecq site. I believe that is the most equitable solution. If he feels unable or unwilling to make that commitment I will be unable to support the proposition. I trust my fellow town Deputies and the Constable of St. Helier feel as strongly as I do on this matter and will come to the same conclusion and put the interests of their constituents ahead of any Council of Ministers directives.

#### **The Attorney General:**

Just 2 further thoughts following from my previous answers. I hope the Assembly will forgive me for standing up again, it is just this issue has arisen at quite short notice and I have not had a great deal of time to consider the matter. Firstly, in relation to how a gift and then a return might be structured in accordance with part (c) of the proposition, there is a precedent of sorts in the gift of the foreshore by Her Late Majesty to the public of the Island. A condition was included in that contract whereby there was an express clause that there could be no contract of alienation of any part of the seabed passed before the Royal Court, except one that concluded the contracted party of Her Majesty to confirm and ratify the conditions thereof. So there is a precedent of sorts there. The second



thought, Sir, is really perhaps more one for you in that the wording of propositions is a matter for the interpretation of the Presiding Officer, and that is that the way part (c) of the proposition is worded - although it would be preferable if it did have express reference perhaps to a lease or some other more tried and tested mechanism for this sort of situation - nevertheless, it does not preclude use of a lease in terms of the way it is worded. It simply provides that the land is subject to a condition that the land must be returned to public ownership if the National Trust for Jersey decides at any time to divest itself of ownership. It is not specific or mandatory as to how that condition of a return of ownership might be achieved, and it may be that you might think that does not preclude the mechanism of a lease for achieving that transfer of ownership in that eventuality. I am sorry to raise that with you but those are just simply thoughts that have arisen to me, given the short notice that I have had to consider the matter.

**The Deputy Bailiff:**

It has not been suggested that it is desirable for the property to be returned to the public by way of a lease, but some Members have suggested that under (b) the property should be leased to the National Trust and not gifted to them. That was the point that was raised by Deputy Morel and others. Under (b) it is plain that what the Assembly is being asked to consider is a gift and under (c) is a return, which I interpret as a giving back - which is the dictionary definition of return - which sounds like a regifting of the land to the public at that time. Deputy Scott, have you got a question for the Attorney?

**Deputy M.R. Scott:**

Yes, I just wanted to follow up. Does this also apply in the case of a U.S.O.(?) free and could a U.S.O. free be used in the case of the National Trust?

**The Deputy Bailiff:**

Is that a question for the Attorney? I hope so. I think it probably is.

**The Attorney General:**

I thank the Deputy for the question. I think in principle it would potentially apply to a U.S.O. but again I would need time to consider that. I apologise to the Deputy.

**7.1.14 Deputy T.A. Coles:**

I plan to follow the other Deputy for St. Helier who has spoken before me in this. I am wondering whether or not some of the ifs and buts - or no ifs, no buts - are coming back in his manifesto now that he is no longer in Government because he may recall that another St. Helier brought a proposition to see the park extended but of course another Deputy voted against it. I am interested in his maths though; how the value of the land on Gas Place went from £10 million to £15 million in the course of a conversation when we have seen the value of the land at Grève de Lecq go from £5 million to £3.6 million. Land transactions to change; the free market is what free marketeers want it to be. But that is enough about that, and more about the subject at hand of Grève de Lecq. I was glad to hear the Constable of St. John and the Minister for Infrastructure talking about maybe considering properties of strategic interest. I was also talking to some other Deputies in the room back there about if we had a strategic list of property that we might consider would be in the public interest, that we should keep a private list of that and review it when we know these properties may be coming for sale. We could buy them before they achieve planning permission, which then inflates the price. We need to think more proactively so we are not facing actions that cause us to pay over the initial odds that we could avoid in being proactive.

[15:30]

I also agree with the Constable that we are holding on to some things which are no longer within our interest and, yes, we can sell these properties, hold that capital, and then maybe this could be the capital that is used for this list of purchases. Because let us face it, we have seen our coast eroded. I

keep thinking of certain places, so I think of Beauport in St. Brelade because I recently discovered that the land that leads down on to that part of the bay is still owned by the Boots Foundation. Luckily we have public access right through it, however, it is still technically in private ownership and the owners of that land could choose to remove access to it at some point. We saw when another private property owner built a big fence around that area to keep his land secure. Ownership changes; people's ideas of what they want to use this land for changes. We do have planning which helps restrict the amount of change that can be implemented, however, I always worry about the public not being able to access this coastline. It is a beautiful area down there. It is still a fairly thriving area down there; we have got the café in Colleens, you have the Prince of Wales Hotel, not to be confused with the pub - I have made that mistake and been in the wrong Parish - and then you have got Le Moulin de Lecq, so there is another eatery down there. This area is still a thriving hub. To see another café or catering area lost into a private home; that never sat right with me and unfortunately I was not on the committee otherwise I would have been voting against a private dwelling being built there because I cannot justify the loss of commercial land in that place; it is thriving, it is beautiful. I liked what Deputy Renouf was saying, talking about linking businesses in synergy with each other, with the surf school and café from El Tico and Laneez in St. Peter. These things are very important for our Island and our Island community. This nature though between gifting and gifting back; I know as you have said, Sir, there is a certain level of interpretation there. In my mind if you are giving someone the use of something for free is that not a gift? Having that then regifted back ... so I do commend Deputy Stephenson - I am sorry she is not in the room - for her amendment because it makes this whole proposition a lot more agreeable. I definitely agree with others that part (a) should be a priority. If there is work needing to be done around (b) and (c) then I would definitely support this in parts but I am definitely going to support part (a).

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

We seem to have gone off a little bit from Grève de Lecq into other areas so let us try and draw it back but draw parallels in why that is relevant in terms of what is happening in Gas Place, for example. I do have to say something about that because I think some of the narrative has been forgotten. That area would have been a large housing estate of totally unaffordable homes for the majority of this population if I had not brought an amendment to the bridging Island Plan to protect it to be used only for education if it was to be built. So actually St. Helier Deputies have done an enormous amount to protect that area and we have continued to do that. Mine was no ifs, no buts, do not build a massive housing estate on it, and that was the right thing to do. However, there is flexibility there and I link it to the Grève de Lecq site. This looks like a meaningful proposition where the money can be found, let us just say that - the money can be found - and it can be taken into ownership and used for the public good, and then if that changes later on it comes back to the ownership of Government, so there is a guarantee built into that. I too would thank Deputy Stephenson for bringing this amendment because it makes it more palatable. I am all for that approach; very quick, very certain, no messing around. I go back to the parallel with Gas Place where all we have had is constant messing around. Let us be honest about it, for the last 2 years the Government that was in has not moved it to the place we want to be and to have an ex-Minister for Housing now standing up saying: "Do something about the purchase of it for Andium" seems a little bit rich to me given that, yes, that does need to be done but it has not been done for the last 2 years. The Island Plan amendment was taken some years ago in the Government before that; it was very clear as to what it was for. I would also add there was an amendment to build a youth facility. Unfortunately obstacles have been put in the way of that because there has not been a co-ordinated approach. So to go back to this parallel with Grève de Lecq, if we can have a co-ordinated approach to this sort of scheme we can certainly have a co-ordinated approach to the centre of St. Helier where there is a desperate need for a renewed school. In terms of demographics that is a different argument and that argument has not appeared overnight, that must have been around for months and months and months, if not a year or so in the old Government, so I do not know why that too has not been

introduced. But I, having inherited this, will certainly be addressing those issues to move forward because we need to. But what we need is decisions and what we have with this is an amended proposition from across the Assembly with some sort of co-operative. I will make one point which perhaps will not make me particularly popular but I would like people to listen carefully to what I say. It seems that when it is country Parishes we can come to these conclusions very quickly. I would make a plea to say let us come to these conclusions quickly for the centre of St. Helier because I think that is fairness, and I think there is a fairness across this Assembly when we look at this. For the centre of St. Helier as well where there is desperate need and the largest population growth of anywhere in the Island. So, yes, I can support this for those reasons and I will be coming back to those, I will certainly be coming back to those around the Council of Ministers' table and I do not think the Chief Minister would expect anything else, to be quite frank, because that is the right thing to do. So before we start having these divisive narratives I think what we need to do is we need to look at the genuine long-term narrative as to where we are with all of these things. I too agree with Deputy Coles; I did not want to see this become a luxury private home where people do not have access. To draw this directly back to this proposition at this moment in time, this is a step forward because it stops that happening. Will it be perfect? Do not know. But with the amendment it means it will come back into ownership of Government, so there is another option there which opens it up to the public of Jersey and does not take it away. I think that is a very important point. It is for those reasons that I can support this proposition as amended, and I would say to Members please do think about that.

#### **7.1.16 Deputy H. Miles:**

I just have a couple of points to make that I would like the Deputy to address in his summing up. As many other Members have said, Grève de Lecq does have a special place in a lot of Islanders' hearts and it certainly does in mine. In fact I seem to remember learning to swim in Grève de Lecq. I have a certain sympathy with part (a) of the proposition; what I would like to understand please is the involvement of the National Trust. Did the Deputy approach the National Trust or was it the National Trust that approached the Deputy to offer their services to develop the land? Were other heritage organisations in Jersey - we have 2 in particular who already manage heritage assets, Jersey Heritage and also La Société Jersiaise - was there any consideration given or even questions asked about whether they would be interested in managing this asset? Also, if part (b) or (c) is not passed would the Deputy consider giving consideration to a tender process so that other heritage organisations might wish to tender for development and management of the site?

#### **7.1.17 Connétable A.S. Crowcroft of St. Helier:**

I have a long track record for supporting the States investment in sites all around the Island to protect our coast and countryside, particularly the acquisition of Plémont, which I think came to the States twice. For that I have earned the concern - the scorn in some cases - of some parishioners who say why am I supporting such an investment in, for example, Grève de Lecq. My simple answer is that Grève de Lecq belongs to us all. It does not just belong to people who are lucky enough to live in those coastal Parishes. It particularly is important for St. Helier residents who put up with so much living in the town, particularly in the parts of town which are not well served with open space or with parking or with other quality of life measures. It means that they can get out of town - that is of course if they are allowed to have a car parking space - they can use the bus or go by bicycles if they are able to, and they can enjoy Plémont, enlarged and improved as it was as a result of our decision. Hopefully they will be able to enjoy a much improved Grève de Lecq. That is why I support this proposition and I will continue to support propositions which invest in our Island for the benefit of us all, and also for our tourists of course. I am grateful to Deputy Farnham because when I approached him about this proposition I said I had an amendment in the wings in relation to a site in St. Helier which is up for sale at a fraction of the price of this site, which can - and I believe will - provide community benefits to hundreds of people living in the backstreets of town, if you like. But

he encouraged me not to amend his proposition - I suppose that makes sense - but to bring it to the Council of Ministers' table, and that is what I will do. He has not given me that in writing but I know he is an honourable man and I will certainly be bringing that and other strategic acquisitions to the Council of Ministers' table. I am grateful to the Minister - and that is the first time I have been able to use that phrase in about 20 years - for Infrastructure for his speech earlier today when he talked about the greater need for car parking in St. Helier than in Grève de Lecq. He is absolutely right. Indeed, perhaps a more surprising intervention from Deputy Renouf who also recognised the need for a strategic purchase in town, not only for sites of special interest but also I think he mentioned open space, environmental areas and even car parking. As Members will know who frequent the Havre des Pas Improvement Group, there is a site that is available to provide a much needed car park for that precious part of coastal St. Helier, and I will certainly be bringing that forward to the Council of Ministers to say let us build a car park, let us get it across the various hurdles that have been put up in the past against developing off street car parks because there is a case to be made for a car park in Havre des Pas. I am conscious I am straying off the subject; I have moved away from St. Mary, down into St. Helier; I need to get back to St. Mary quickly. But before I do I just want to mention to my friend, the Minister for Education, soon to be, that I think his narrative in relation to the town park expansion is slightly inaccurate. I am not going to get involved in that now because this is not a debate about the Jersey Gas site and perhaps it was a bit naughty of Deputy Warr to bring it in the first place because of course Reform felt they had to reply to him. But there is a long history in relation to the Jersey Gas site and I have been intimately involved in that and I should know what the facts are. There will be another time to have that debate, but for now we are asked to recognise the importance of this site. For those who are nervous about part (b), who do not want to see the National Trust take this on, I would just like to take them down Pitt Street in St. Helier where for years we had a derelict, very valuable in terms of heritage property, the Pitt Street property. Almost as long as I remember that has been derelict. Several versions were looked at to try and get it moving but finally the Co-op - and hats off to the Co-op for that - in consultation and working closely with the National Trust, came up with a scheme which I think we all recognise as being quite superb. Pitt Street itself has been transformed from a grubby alley into a wonderful street to walk along. It seems to me to have increased in size; I am reliably informed that it is the same size as it was before but that just shows you what regeneration can do to historic properties. There is a wonderful café in there that is doing well, and I would just urge Members to let the experts in this field, the National Trust, get busy in Grève de Lecq because I do not think we will regret it and I do not think tourists will regret it. It will be another jewel in the crown of Jersey's tourism offer. I urge Members to accept both parts of this proposition.

[15:45]

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

I will not get involved in any debates on the Gas Place site. I will note though we have been here in a similar way before; I think it was back in 2013 when then Senator Bailhache brought a proposition to buy Plémont headline for the National Trust, so very much a similar proposition. I am reminded - perhaps following the Constable of St. Helier is appropriate - because I was involved in that campaign, not just as a politician but also as a musician, so it was our band Badlabecques at the time who was commissioned by the National Trust to write and perform a song, so obviously credit goes in part to Kit Ashton and no doubt he had help from some other Jèrriais speakers with that as well. But I will quote from some of that poetry which was then set to music, which said: "A worth more dear than cash, a wilderness to tread, as values turn to ash on the headland in our head. This hill unfolds the past, its future sparks like fire, but will our great-grandchildren cast their line from our desire." Some of it is in Jèrriais by the way, so I am sparing you that. I am sparing you my accent rather than the actual words. It talks about: "Come on, let the beacon flame and from the ashes there will be little green shoots growing back again." Then the last part is: "Come on, come on, oh you know what to do, and you know that from the ashes there will be little green shoots." I am sure there

was a line about little green shoots on your tax return; there is one in there. That was not just a throwaway comment because it highlights the fact that we are using taxpayers' money here to buy land back for the public, so we should not take that lightly when we are doing that. In that first debate there was very much a town/country rift, and this was in the days before Reform Jersey had existed formally; we are celebrating our 10th anniversary. It was something that the 3 or 4 existing Members that we had that would become Reform Jersey could not necessarily agree on. At the time I was very much in favour of buying the headland but I was also very sensitive to the issues that were going on in St. Helier. I hope things have changed slightly but there has fundamentally been an issue in this Island about the division between town and country; we know that there is that famous work by John Gallagher that talks about the triumph of the country and I think a lot of that is still as relevant as it is today. I am very comfortable with purchasing this land for the National Trust because fundamentally I think the National Trust are great custodians for the land that they already own and that they manage on behalf of the public. If it was just simply left to public ownership and had not been maintained, which is a potential risk if it had been left simply in Government ownership - I am not saying that Government cannot and do not maintain areas; we have some beautiful parks that are maintained by Parishes and by the Government of Jersey - but it is something that the National Trust do for us. I think of that value in which everyone can access those lands. I, for example, often walk around Sorel down Devil's Hole, and that is a beautiful stretch of coastline where you can imagine for a few minutes or hours that you are in somewhere that is not at all built up and you do not even see any houses along a stretch of coastline. It really is beautifully maintained. I know that there will be some National Trust people listening. I have to also recognise that it is perhaps understandable that there have been some questions raised about some of the decisions that have been made by the National Trust in recent times. I think eyebrows were raised on 2 occasions; one where they seemed to have sold off a property that they owned for an undervalue price. I do not know the ins and outs of that but that is certainly how it looked from the outside and many commentators were commentating on that fact, to the point where they have agreed to review their internal procedures to make sure that potential does not happen again. Also personally I just think they were on the wrong side of the debate during the Bouley Bay flats development there. I was disappointed that an organisation which traditionally has stood up for protecting our coastline I think on this occasion were on the wrong side, but no doubt they would have had other considerations about seeing that area being used, because it is a public area, it is not the same as other coastline areas. So we can agree to differ, but the overall track record has overwhelmingly been a positive one from the National Trust, so I think they are an organisation that we can trust in this regard. There are one or 2 questions to be asked and answered. First of all, there are very different propositions coming before us as to what ultimately happens with the land. It is one thing to say we will buy the land and raze it; so flatten it. Razing it is one of those strange words, is it not; it sounds like it should mean to increase the height of but it means to decrease it. There is a word for that. That would seem the simplest thing, it would be putting it back to nature, making sure that it could be enjoyed. We have had alternative suggestions from the former Minister for Planning, who I would say had some quite radical suggestions. I did not realise he was necessarily that radical in his politics and maybe that is the reason he never wanted to join Reform Jersey. It was not because we are too left-wing for him but maybe the other way around, but I will leave that slightly tongue in cheek comment on the record. Because I think that there is a valid question to ask about what should a Government or States appetite be for purchasing land back for the public. In some cases this, you could argue, is land that should have never been in public ownership in the first place. What I do find slightly curious is that the original private development that was passed, we are told in the report, was for a 4-bedroom house, which would include a 100-seat eatery. The suggestion that this is entirely going out of public ownership or at least public accessibility is not really true, is it? Because if you are going to have a 4-bedroom house with a 100-seat restaurant on it, you presumably need to allow people to access that restaurant. I do not think it is going to be a private club or anything like that, and you would have to have a car park to make sure that people could visit. I do not know if I am on the right track; I am

getting whispers from behind me. If indeed the National Trust decide that we are going to gift them this land ... and I think the amendment is absolutely correct and is a great safety net there, so if it is ever sold it should revert back to public ownership, not into other private hands. But how might you feel if you were a local business in the area, if you were the Moulin or the Red Rose ... not the Red Rose Café, I think that is the restaurant, is it not? Colleen's, but you also have the other one that is attached. Sorry, we are having a conversation here. Through the Chair, there is the Prince of Wales and I think it is called the Red Rose Café that is attached to it. I might be wrong on the restaurant there. Imagine you have a scenario where we gift this land to the National Trust and then they decide that rather than putting it all back to nature they want to build their own café and restaurant there and run that effectively as a private business where all the profits that they make go back to them. You might feel that you are a bit hard done by when you are a private owner and you think I have had to buy this land myself, invest this money myself, and now we have some competition sitting there. You almost might feel hard done by as a taxpayer when you are thinking should we not partially own that enterprise. We do not mind gifting you the land but if you are going to build a café or a restaurant, that is taking the National Trust completely away from what they normally do. They are not venture capitalists in that sense, even if they are reinvesting that capital back into the National Trust. That is a completely different proposition to what I might be comfortable with and other Members might be comfortable with and what the public and, indeed, National Trust members might be comfortable with. If that were the case, that we were going to see a restaurant being built there, I would say can we co-own that restaurant with you or can the Government co-own that with you and can Highlands College run that restaurant for you? Can we make it into a catering facility? Or if the suggestion is perhaps from Deputy Renouf that it should be a surf school or something similar for green tourism, that is all fine but then how does the co-ownership of that work and how do we get that money back into States coffers, if we are going to get any money back, not simply through just usual spending in the economy, the economic multiplier effect and any taxation we might indirectly get back through G.S.T. (goods and services tax) and tourist receipts? I think these are slightly complicated questions which I hope that the mover of the proposition ... as I have said, I do support the proposition and I will be supporting it, but I think what ends up going on that site we cannot sleep walk to that position. So we will make a decision today and we are abdicating a lot of responsibility to the National Trust and a lot of trust, if you like, is going into what they finally decide to put there. I want to make sure that we are not blamed for any unintended consequences that might happen as a result of this decision.

#### **7.1.19 Connétable P.B. Le Sueur of Trinity:**

I was not intending to speak in this debate, but it seems to be getting quite wide this afternoon and a lot of what I perceive to be implied criticism of the Planning Committee and decisions that have been made in the past. I would remind Members that this Assembly delegates responsibility for making planning decisions on their behalf to a committee. If they are not happy with that arrangement, then perhaps they should bring it all back to this Assembly and we can spend weeks and weeks and weeks in here arguing about every single planning application. Reference has been made to the Water's Edge in my own Parish, the Water's Edge Hotel, which has sat there for more than 10 years completely derelict, albeit with some planning approvals for flats but nobody coming forward with the money to build that. As soon as somebody pops up and says: "I would like to acquire this site", which incidentally is in private ownership, all of a sudden to develop that one private house and, in my opinion, make a massive improvement to the geography and the landscape in that area by doing so, all of a sudden that is all wrong and we should be doing something else for the public. Turning to the question of the application which was approved at Grève de Lecq, again I took part in that decision and I absolutely stand by that decision that it was the right thing. It is a site which is in private ownership. It reduces a great big landscape of tarmac to an attractive reduced scale of development. It isolated the existing bunker and it still provided a quality public offering in terms of food and restoration of the dune landscape. So, to me, it was an absolutely right decision to make at that time. Turning to the proposition before us today, yes, I can understand that perhaps there is some

merit in perhaps acquiring this site for the public. I am certainly concerned that we are paying over the odds for it and, again, picking up on a comment which was made earlier about strategic vision, so often we see situations where all of a sudden somebody takes the initiative to make a planning application, improve the value of the site, and all of a sudden we decide that is the point at which we want to spend more public money to buy something back. On that subject, I would also say I do regret the fact that the Parish of St. Helier sold the old quarry at Westmount to a private developer. That could have been a car park or it could have been the backroom areas, the service areas for a hospital on People's Park, and it could have been a link across the top to the existing facilities at Overdale. But again that was a decision lost. So, today I am minded to go with the part (a) to acquire this site but I certainly would like to see some sort of positive proposals in terms of actual costs and a commitment that this site, whatever is decided to do with it, can be delivered and that that is on the basis of a lease rather than a gift. So I will go along with part (a) but I really do need some convincing about the remaining 2 parts.

#### **7.1.20 Deputy I.J. Gorst:**

I will endeavour to be short because I think that most things that need to be said have broadly been said. I say that without breaching Standing Orders, of course. I want to just remind ourselves, as Deputy Tadier did, when we were last debating a similar proposal to this the Assembly and the public were really quite divided. The lobbying across the Assembly and outside as well was difficult, but we look back now and we see that that was the right decision to have taken to buy Plémont in a slightly different way from what is being proposed here, but it was absolutely the right thing to do. We can go and enjoy that headland. Of course, we know that the issue of the puffin and puffin protection is not fully resolved. I do not see an easy resolution to that issue either, but what we do know is that if houses had been built there, the domestic animals and non-domestic animals that that would have attracted would have meant a certain demise of the puffin coming to Jersey. Whereas now at least it is still frequenting our shores and there is still a possibility - I say no more than that because it is difficult - that that can be preserved as well.

[16:00]

I have no doubt whatsoever about the decision that day to spend that money and to allow that headland to be reverted back to nature, and I would be very surprised if any Member of this Assembly today doubted that that was not a good and right decision, as difficult as it was on the day. I then turn to this particular bay and I think that we can make the decision ... I know that Members have some reservations, particularly around price, and I share those reservations. It is probably why I see the former Minister for Infrastructure is not in his seat, but he and I debated the value and price of this site for a long period of time knowing that the Chief Minister, or Deputy Farnham, was keen to move it forward and was less concerned about the price than we were. But we have ended up where we are today with a possible price on the table and we are facing a risk that we make the decision to go with this price today or we risk other actions being taken. One of the issues that was difficult with Plémont was that the Government, not the Government of the day but preceding Governments, had also, the vendor felt, messed them around, sought to negotiate, threatened compulsory purchase, and they generally felt that they had been badly treated by Governments and became, as we all do and some of us are known for this, somewhat stubborn in their approach. It was working with the National Trust which really helped to unlock that sale, which may not have been unlocking it into public ownership but really had the same effect as unlocking it into public ownership by putting it into the ownership of the National Trust. Therefore, I think that the price that we are being asked to pay for it today, notwithstanding all the points that the Minister for Treasury and Resources has made and she is absolutely right about that, is a price that we need now to pay. There have been a number of concerns raised about the National Trust and I do understand, and I will probably say something that the president and the C.E.O. (chief executive officer) may not quite like and they will reprimand me later, no doubt, as I am driving home this evening. That is that there are and have been difficulties

as they have sought to at least sell one property and questions have been raised about whether they themselves got best value for money over the sale of that property. We know that the Charity Commissioner did a review into that and dealt with those issues. But equally, we know that price and valuation are moveable and the value of something to one person can be totally different to its value to a second. What one is prepared to pay because they are already in a property compared to another equally can be 2 different things, so we have to navigate that carefully. For my part, I think that buying this piece of land and gifting it to the National Trust does in a way, which I am not sure that Government could do, allow it to have access to the public and allow public enjoyment. So not public ownership but public enjoyment, which is what we are really seeking to deliver. The reason I use that term, and I think we have perhaps focused more on public ownership, but public enjoyment is the important issue. That is because we have many pieces of land across the Island and buildings across the Island which the public owns but of which there is no public enjoyment whatsoever. In fact, as Deputy Farnham said in his opening comments, rather than public enjoyment actually there is a lot of public frustration and a lot of those sites lead Islanders to doubt our ability to deal with things well. Therefore, I do think that gifting this land to the National Trust will allow public enjoyment. They have a couple of schemes, both of which I think are perfectly workable and perfectly good solutions but they will consult with Islanders and they will importantly, as Deputy Catherine Curtis said, consult with stakeholders in the bay as well. When I was initially talking to the National Trust, and had I not got caught up with other things like the Government Plan and then the thing that we have all been caught up with during January, I would have proposed a reversion from the National Trust to the public for £1. I think that would really - and is still possible - deal with the concerns that some may have that the Minister for Sustainable Economic Development raised. I think that works well. If the National Trust cannot maintain the site for public enjoyment or cannot ensure that it is used for public enjoyment or no longer wish to be the custodian for public enjoyment, then it simply reverts to the States for the value of £1 and that deals with all sorts of difficulties. I urge Members to cast their mind back to Plémont. There were people at the time who said it was too expensive and we could have got better value for it but with the sweep of time that was absolutely the right decision. I believe that this decision today can also be the right decision. I also ask Members to support the transfer to the National Trust. They have got proven ability, there are sites across the Island, not just rural but in town as well, as the Constable of St, Helier reminded us, where they have successfully created public enjoyment on sites that may not have allowed that. While I am equally convinced that this is the right decision to make, I am equally convinced that if we do not accept part (b) and gift it to the National Trust we will end up yet again with a slightly expensive site being left and nothing will happen on it because it will be prioritised alongside building a new hospital and all of the other things that the new Minister for Infrastructure rightly wishes to prioritise and deal with, and it will fall down the agenda. No doubt the car park will come back into partial use but we will be left with a derelict, decaying building. We can deal with it once and for all this afternoon. Pay the price, we always have to pay the price because we are in Government, and allow public enjoyment by gifting it to the National Trust.

**The Deputy Bailiff:**

Does any other Member to speak on the proposition?

**Deputy L.J. Farnham:**

Is it over already, Sir?

**The Deputy Bailiff:**

Yes, it is.



### **7.1.21 Deputy L.J. Farnham:**

First of all, thank you to all who have spoken on this. It is an important issue among all of the other important issues we are tasked with dealing with. This is one that really does look to the future. I am comfortably reassured by the Minister for Treasury and Resources' comments because while she rightly asked us to turn our minds to the money and the costs, which is what we all want to see in the Minister for Treasury and Resources, we want to see firm hands on the purse strings but not too firm of course when it comes to doing the right thing. Then she brought our minds back to thinking about the value. I do not think we can ... we can probably all write down a value and it would be something different. But I do ask Members to put the value, the price we are paying, weigh that up against the risk of losing the site and think along the lines of ... Deputy Gorst referred to the decisions we have made in the past. Plémont, for example. I remember being here for the whole debate on Plémont, many other Members were here, many Members who were not here may remember listening to it, and there was strong opposition at the time. It was a divided Assembly. I cannot remember the final vote but thank goodness we did trust the National Trust and they delivered for us, and now thousands of Islanders are enjoying that. We will be enjoying that for generations to come. I am grateful to the Constable of St. Saviour who reminded us that among all the other commercial offerings there is opportunity to create different commercial offerings. I think it was Deputy Catherine Curtis that talked about consultation with other stakeholders and there has been no formal consultation, there has been informal consultation and we have seen other stakeholders talking to the media throughout this. But there is more of a concern that if we leave the site as it is without taking it in hand that is going to be more damaging than anything. Actually the trust, if you look at some of their proposals and plans, they are very much in favour of developing a completely new offering for the area, not just with a different type of restaurant or catering facility perhaps but putting a lot more emphasis on the recreational offering and opportunities that that site could provide. Again, I want to mention I am grateful to Deputy Stephenson for adding the amendment, which I think provides further reassurance to Members. I am also grateful to the Attorney General for his advice. There have been examples of land gifted, the example used to the Crown is, I think, one in point. But I think the final paragraph says: "To authorise the Attorney General and the Greffier of the States on behalf of the public to pass any necessary contracts in connection with the acquisition and subsequent sale of the site." Now, in the spirit of this proposition, I am sure that the right contracts can be put together to achieve what we are trying to do here, which is to acquire the land and place it in the hands of the National Trust who will be infinitely better at delivering an asset for the public that we want than we will be as a Government. I would urge Members to allow the Attorney General and the Greffier to put the necessary contracts together that will satisfy the proposition, the spirit of the proposition, and safeguard the asset for future public use. The Connétable of St. John made a very a good point and it was music to my ears that we need to have a good long, hard look at our property portfolio and perhaps sell some of the things we do not need that are not of any benefit, that may be decaying and we are not getting a proper use out of, and use that money to make to making more strategic, carefully thought through acquisitions that perhaps will provide useful assets for public use in the future. So I am delighted to hear that he is looking at that. I am also grateful to the Connétable of St. Helier, who made a poignant speech and grateful for him agreeing to bring ideas for acquisitions in St. Helier to improve the St. Helier public realm to the Council of Ministers and ultimately this Assembly. I think that is a better fit than trying to amend this amendment.

[16:15]

Deputy Miles asked if I had approached the National Trust or they had approached me. Well, we sort of approached each other but initially ... and we sort of missed the acquisition of that site during COVID, it all sort of slipped through, it was not advertised, we did not really know about it. I remember the public concern when it was announced that that area was going to be largely lost to a large private dwelling. I remember being lobbied fairly hard, I think, as my colleagues in the constituency would have done at the time, from Islanders who were concerned about that. My

proposition in July of last year was simply to encourage the Government to start a process of negotiation. I know Deputy Stephenson and Deputy Tom Binet had been working on that for some time but things did not seem to be happening fast enough. I am not making any criticisms against any Member but then from July to the end of the year ... and I did say, I think to Deputy Gorst who was Minister for Treasury and Resources at the time and Deputy Stephenson, I was planning to give it until the end of the year to see if a negotiation could succeed and then I would bring a proposition back, and that is what I did. Despite efforts being made I think perhaps it did get reprioritised with other government business. So, again, no criticism of the Government. I just wanted to get this done and brought into the public realm so we could get on and do something good for the public. So, yes, National Trust, I approached them. They sort of said they were willing to do it. I had thought about Jersey Heritage and other local organisations that could perhaps deliver something like this but I favoured the National Trust for reasons, which I hope I explained in my opening speech but I will come back to in a minute. But also during the July amendment last year in the end I received no approaches from other organisations who were particularly interested, and I know that the National Trust worked with other organisations. So just because the National Trust will lead hopefully on the development of the site, it does not mean that Jersey Heritage and other good local organisations will be excluded as we look at opportunities to improve the recreational facilities and opportunities there. Again, I thank the Connétable of Trinity for speaking. He has been always open and honest with me about what his feelings are and would require some reassurance in relation to the trust, which I hope I can do and persuade him. I would want to emphasise as well I make no criticism of the Planning Committee whatsoever in this, they did what they thought was right at the time and there is no criticism or complaint about them. I mentioned Deputy Gorst, I thank him for his comments and he understands that we need to really pass this over to the National Trust. Look back at Plémont and other developments they have done which have really benefited the public realm. I ask Members to consider that very carefully. So why choose the National Trust? Well, it is I think because they are creative and they do deliver. They produce high quality projects, much higher than we have done. I am not saying the States cannot produce high quality projects but in this area we are not particularly good at it. They are an existing stakeholder and shareholder of assets of Greve de Lecq Bay. The public benefit is at the heart of their organisation, it is why they do what they do. It is for the public benefit. They have made a tangible commitment of £500,000 from their own funds. Members may have noticed that I placed copies of the Annual Report 2022 in the Member's room, along with presentations of the site for Members to look at, which sets out their financial position. They are prudently and fiscally healthy, and able to, notwithstanding their commitments, provide those funds. They have also committed to fundraising a further £2 million to invest in the site should, after public consultation, it be decided that that is what the public favour, which is basically a revamping of the existing site to include all sorts of public activities and interpretation centre, relandscaping of the dune lands around the café. They are an internationally-recognised brand and part of an internationally-recognised movement. That will provide useful familiarisation, not only for Islanders but for visitors who come here to visit. Working with them will enhance their capacity to care for future assets because they can make a commercial return from areas of the site that we have gifted, will enable them to not only maintain the site in a far better way than we could but it will also support them in providing funding for their organisation. I think it is good that we can support the third sector in this way because that does take the pressure off Government. If we were to pass part (a) but not pass (b) then we are just putting more pressure on our already overstretched Property Holdings Department. The National Trust are reliable. They have been in existence for 88 years as an independent self-funded body; they are a charity and they have been financially, fiscally, prudently independent for all of that time. It estimated that the annual value of the trust to Jersey's economy was £11 million and that is about £5 million economy, £4 million environmental and £2 million of social benefits. This project, if the States approve it today, will add a little bit to those figures. Thank you to all Members who have spoken. I am sorry I have not replied to every individual Member but I hope I have covered all of the points raised. I would like to finish by reading an excerpt from a

recent editorial in the *Jersey Evening Post*, and in many ways I believe it perfectly captures the decision we have to make before us today. I quote: “Over several decades the National Trust has shown itself to be the most important organisation working to safeguard one of Jersey’s greatest assets, its unique coastline for the Island and Islanders. Plémont is a priceless legacy for countless future generations. It is within the context of the success story of Plémont that the discussion about the States buying the former Romany Café site at Grève De Lecq should be framed. Of course cost matters and all States Members are responsible for spending taxpayers’ money wisely. But this is an issue which requires them to take a responsible long-term view about what is really important in an Island in which more and more people struggle to afford the quality of life that has long been central to the Jersey experience. Should this be a public asset managed by a body whose environmental, cultural and public access concerns are uppermost among its priorities?” The answer to that question, I believe, is obvious. Let us do something special for Islanders. Let us support part (a), buy the land, support part (b), hand this over to the National Trust and trust the Attorney General and the Greffier to produce the contracts with the relevant wording. Because if we do that things will get moving straightaway. The trust have already said that if we approve today they can get on with the work, if it passes contract by the end of March the café, the site, can be tidied up very quickly and the car park can be made operational again for Easter, which will provide a helpful boost to the traders down there for the summer and then they can get on with the public consultation and get this done. They did Plémont in a year, I think they can do the same with Grève De Lecq. Please, I urge Members today to support the proposition in full because if we support part (a) only I am really concerned that we will be left with an asset with a café down there and we will let the saga run on and on and on, as we have done with other areas. Can I thank Members very much? I make the proposition and ask for appel.

**The Deputy Bailiff:**

To be clear, Deputy, you are inviting the Assembly to consider (a), (b), (c) and (d) separately.

**Deputy L.J. Farnham:**

Yes, Sir.

**The Deputy Bailiff:**

Yes, thank you.

**Deputy M.R. Scott:**

Could I just confirm again with the Attorney General, I am just confused about what happens about if we approve (c) and whether it is valid or not?

**The Deputy Bailiff:**

The debate is now completed.

**Deputy M.R. Scott:**

Okay.

**Deputy M. Tadier:**

That is a matter for the Chair, is it not? You could give clarification to the Deputy on the ...

**The Deputy Bailiff:**

I can indicate that if (b) is not adopted, then (c) falls away, that is in relation to the proposition. Have you got a matter about the proposition I can respond to, Deputy Scott? I cannot give legal advice.

**Deputy M.R. Scott:**

My question was simply, are we being advised that (c) is not workable or are we being advised that if we voted for (c) that it would be adapted in some way to make it workable?

**The Deputy Bailiff:**

You must make up your mind on the advice you have from the Attorney and the speech of Deputy Farnham. The appel has being called for. Members are invited to return to their seats and Members will first consider part (a) of the proposition, which is the approval of the acquisition by the public of the land in question. I invite the Greffier to open the voting. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. Part (a) has been adopted: 40 votes pour, 2 votes contre and one abstention.

<b>POUR: 40</b>	<b>CONTRE: 2</b>	<b>ABSTAIN: 1</b>
Connétable of St. Helier	Deputy A.F. Curtis	Deputy S.G. Luce
Connétable of St. Brelade	Deputy M.B. Andrews	
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Martin		
Connétable of St. John		
Connétable of St. Clement		
Connétable of Grouville		
Connétable of St. Ouen		
Connétable of St. Mary		
Connétable of St. Saviour		
Deputy G.P. Southern		
Deputy C.F. Labey		
Deputy K.F. Morel		
Deputy M.R. Le Hegarat		
Deputy S.M. Ahier		
Deputy R.J. Ward		
Deputy C.S. Alves		
Deputy I. Gardiner		
Deputy I.J. Gorst		
Deputy L.J. Farnham		
Deputy S.Y. Mézec		
Deputy T.A. Coles		
Deputy B.B.de S.V.M. Porée		
Deputy D.J. Warr		
Deputy H.M. Miles		
Deputy M.R. Scott		
Deputy J. Renouf		
Deputy C.D. Curtis		
Deputy L.V. Feltham		
Deputy R.E. Binet		
Deputy H.L. Jeune		

Deputy M.E. Millar			
Deputy A. Howell			
Deputy M.R. Ferey			
Deputy R.S. Kovacs			
Deputy B. Ward			
Deputy K.M. Wilson			
Deputy L.K.F. Stephenson			

**The Deputy Greffier of the States:**

Those Members voting contre: Deputies Alex Curtis and Andrews and Deputy Luce abstained.

**The Deputy Bailiff:**

I will move to part (b) of the proposition: “To agree that, following the acquisition of the land, it should be forthwith gifted to the National Trust for Jersey.” I invite the Greffier to open the voting. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. I can announce that part (b) has been adopted: 35 votes pour, 7 votes contre and one abstention.

<b>POUR: 35</b>	<b>CONTRE: 7</b>	<b>ABSTAIN: 1</b>
Connétable of St. Helier	Connétable of Trinity	Deputy S.G. Luce
Connétable of St. Brelade	Connétable of Grouville	
Connétable of St. Peter	Connétable of St. Mary	
Connétable of St. Martin	Deputy K.F. Morel	
Connétable of St. John	Deputy H.M. Miles	
Connétable of St. Clement	Deputy A.F. Curtis	
Connétable of St. Ouen	Deputy M.B. Andrews	
Connétable of St. Saviour		
Deputy G.P. Southern		
Deputy C.F. Labey		
Deputy M. Tadier		
Deputy M.R. Le Hegarat		
Deputy S.M. Ahier		
Deputy R.J. Ward		
Deputy C.S. Alves		
Deputy I. Gardiner		
Deputy I.J. Gorst		
Deputy L.J. Farnham		
Deputy S.Y. Mézec		
Deputy T.A. Coles		
Deputy B.B.de S.V.M. Porée		
Deputy D.J. Warr		
Deputy M.R. Scott		
Deputy J. Renouf		
Deputy C.D. Curtis		
Deputy L.V. Feltham		

Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				

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

Those Members voting contre: the Connétables of Trinity, Grouville and St. Mary and Deputies Morel, Miles, Alex Curtis and Andrews and Deputy Luce abstained.

### **The Deputy Bailiff:**

I move to part (c) of the proposition: “To agree that the gift of the land to the National Trust is subject to a condition that the land must be returned to the public if the National Trust decides at any time to divest itself of ownership.” I invite the Greffier to open the voting. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. I can announce that part (c) has been adopted: 39 votes pour, 2 votes contre and one abstention.

<b>POUR: 39</b>	<b>CONTRE: 2</b>	<b>ABSTAIN: 1</b>
Connétable of St. Helier	Connétable of Trinity	Deputy S.G. Luce
Connétable of St. Brelade	Deputy M.B. Andrews	
Connétable of St. Peter		
Connétable of St. Martin		
Connétable of St. John		
Connétable of St. Clement		
Connétable of Grouville		
Connétable of St. Ouen		
Connétable of St. Mary		
Connétable of St. Saviour		
Deputy C.F. Labey		
Deputy M. Tadier		
Deputy K.F. Morel		
Deputy M.R. Le Hegarat		
Deputy S.M. Ahier		
Deputy R.J. Ward		
Deputy C.S. Alves		
Deputy I. Gardiner		
Deputy I.J. Gorst		
Deputy L.J. Farnham		
Deputy S.Y. Mézec		
Deputy T.A. Coles		
Deputy B.B.de S.V.M. Porée		

Deputy D.J. Warr			
Deputy H.M. Miles			
Deputy M.R. Scott			
Deputy J. Renouf			
Deputy C.D. Curtis			
Deputy L.V. Feltham			
Deputy R.E. Binet			
Deputy H.L. Jeune			
Deputy M.E. Millar			
Deputy A. Howell			
Deputy M.R. Ferey			
Deputy R.S. Kovacs			
Deputy A.F. Curtis			
Deputy B. Ward			
Deputy K.M. Wilson			
Deputy L.K.F. Stephenson			

**The Deputy Greffier of the States:**

Those Members voting contre: the Connétable of Trinity and Deputy Andrews.

**The Deputy Bailiff:**

I will move on to part (d) which: “Authorise the Attorney General and the Greffier of the States on behalf of the public to pass any necessary contracts.” I invite the Greffier to open the voting. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting.

[16:30]

Part (d) has also been adopted: 39 votes pour, 3 votes contre and one abstention.

<b>POUR: 39</b>	<b>CONTRE: 3</b>	<b>ABSTAIN: 1</b>
Connétable of St. Helier	Connétable of Trinity	Deputy S.G. Luce
Connétable of St. Brelade	Deputy A.F. Curtis	
Connétable of St. Peter	Deputy M.B. Andrews	
Connétable of St. Martin		
Connétable of St. John		
Connétable of St. Clement		
Connétable of Grouville		
Connétable of St. Ouen		
Connétable of St. Mary		
Connétable of St. Saviour		
Deputy G.P. Southern		
Deputy C.F. Labey		
Deputy M. Tadier		
Deputy K.F. Morel		
Deputy M.R. Le Hegarat		
Deputy S.M. Ahier		

Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy S.Y. Mézec				
Deputy T.A. Coles				
Deputy B.B.de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				

The proposition is, therefore, adopted. [**Approbation**]

**Deputy L.J. Farnham:**

May I thank Members for their support? Thank you.

**The Deputy Bailiff:**

That concludes Public Business for this meeting.

#### **ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS**

**The Deputy Bailiff:**

I invite the chair of P.P.C. to propose arrangements of public business for future meetings.

#### **8. The Connétable of St. Martin (Chair, Privileges and Procedures Committee):**

The next States sitting is on 27th February and this sitting will include the appointment of members to the Privileges and Procedures Committee and to Scrutiny Panels. Including the proposition of P.7/2024 Ceasefire in Gaza, there are 4 propositions listed. Jersey Overseas Aid: reappointment of a Commissioner, P.4/2024; Draft Income Tax, P.6/2024 with amendment, and Cabinet Office Expenditure Savings, P.8/2024. I believe that we will be required to sit on 2 days but as ever please be aware that there is always a possibility that the States may run into the third or fourth day.

**The Deputy Bailiff:**

Thank you, Connétable.



**The Connétable of St. Martin:**

That is the arrangement of business.

**The Deputy Bailiff:**

Thank you very much. Any observations or comments by Members on the business proposed by the Connétable?

**8.1 Deputy I.J. Gorst:**

I am grateful that Deputy Tadier did not ask for his proposition to be taken at this sitting but I fully support his proposal that it be taken as the first item at the next sitting, if the Chair of P.P.C. is content with that.

**The Deputy Bailiff:**

Is that proposition seconded? **[Seconded]** Yes. Madam Chair, are you content to propose public business on the footing that that proposition is taken first?

**The Connétable of St. Martin:**

I propose Public Business as just amended by the Minister for External Relations.

**The Deputy Bailiff:**

With the Ceasefire in Gaza being the first item of Public Business. Thank you. Are Members content to proceed on that basis? Are Members now content to adjourn? We adjourn until 27th February.

**ADJOURNMENT**

[16:32]