

## **2.13 The Deputy of St. Martin of the Minister for Home Affairs regarding the Wiltshire Police investigation into the events which led to the suspension of the Chief Officer of the States of Jersey Police:**

Before I start, I know it is on the Supplementary Order Paper that the Minister for Home Affairs will make a statement regarding police activities and above that it says the Minister for Treasury and Resources will make a statement regarding land transactions. I have the copy of the land transactions from the Minister for Treasury and Resources; am I the only Member in the House that has not got the Home Affairs ...

**The Deputy Bailiff:**

Deputy, could you please ask the question at the moment, Deputy?

**The Deputy of St. Martin:**

No, it is important so we can have it circulated before we have the answer.

**The Deputy Bailiff:**

It has not apparently been circulated yet, Deputy.

**The Deputy of St. Martin:**

It is on its way, is it? Okay, all right, okay.

**The Deputy Bailiff:**

It is circulated when the Minister says.

**The Deputy of St. Martin:**

Okay. Will the Minister update Members on the Wiltshire Police investigation into the events which lead to the suspension of the Chief Officer of the States of Jersey Police? Will the report be presented as promised at the end of June and will the Jersey Police Complaints Authority have a role in approving the final report? If not, which police authority will give its approval?

**Senator B.I. Le Marquand (The Minister for Home Affairs):**

Firstly, no date has been promised for the production of the report. On 10th March 2009 in my statement I indicated that the report would not be available before the end of June 2009. The current expected date for the provision of the report is by the end of July 2009, subject to the contents of the statement which I shall be making shortly. The report will come to me via the Chief Executive to the Council of Ministers. Neither the Jersey Police Complaints Authority nor any other police authority has any role in this matter.

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

I am aware that when a complaint is made by a police officer it may well be investigated by an officer outside of Jersey, however the officers do have the protection of knowing that the Police Complaints Authority will have oversight of that investigation. Is the Minister stating that the Chief Officer is denied the same right that would normally be given to his officers of a lower rank?

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

It is not correct that the Police Complaints Authority have oversight over all investigations. The procedure, as I understand it, is that they will only have oversight

where a complaint is referred to them. But it is perfectly possible for a disciplinary complaint to be brought against a senior officer, which requires investigation by a force outside the Island without the involvement of the Jersey Police Complaints Authority. The procedure in relation to the Chief Officer of Police is set out both in the law and in his disciplinary code of which Members should be aware.

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

Would the Minister therefore agree that the Chief Officer is being discriminated against because there is no legislation parallel to assist him as there is for officers of other rank?

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

No.

**The Deputy of St. Martin:**

Could I ask the Minister to explain why?

**The Deputy Bailiff:**

Well I think we will come back. You have asked several questions, Deputy, I think you need to allow other Members to ask theirs. Connétable of St. Helier?

**2.13.3 The Connétable of St. Helier:**

Would the Minister confirm that the Chief of Police has now been suspended for more than 7 months and that this is extremely unsatisfactory both to him and his family, but also to the taxpayer who is presumably paying for that?

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

I can confirm that the mathematics of the Connétable of St. Helier is correct and I can confirm that such a long suspension without coming to a disciplinary conclusion is highly undesirable.

**2.13.4 Deputy T.M. Pitman:**

Following on from the Constable of St. Helier, would the Minister concede that a period of 7 months hardly appears to the public as a neutral act?

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

I have no control over the length of time which is taken by the investigating body. Indeed it would be improper for me to get involved in any way in oversight over the process of the investigation. I am therefore entirely in the hands of the investigating body.

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

Final one. Will the Minister explain why there has been a delay to the end of July when we understood that the report would be ready by the end of June?

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

I do not know the answer to that question for the reasons I have already said, that I am not exercising any oversight in relation to the investigating body. I merely inquire from time to time as to when the report is likely to be available. I want to make it clear the report will come to me and to me only initially in the way that I have

indicated, and I will then proceed to make decisions as to whether or not disciplinary matters will proceed.

**The Deputy Bailiff:**

Very well, we come to question 14. Deputy Le Claire has notified me during the course of this meeting that he wishes to withdraw that question, so we move on to question 15 which the Deputy of St. Mary will ask of the Minister for Planning and Environment.

## **2.14 The Deputy of St. Mary of the Minister for Planning and Environment regarding proposals within the North of Town Masterplan team to build housing on the Gas Place end of the Millennium Town Park site:**

Will the Minister advise whether one proposal being considered by the North of Town Masterplan team is to build housing on the Gas Place end of the Millennium Town Park site and if so does he consider this to be a betrayal of all those who signed the petition for the park's creation?

### **Senator F.E. Cohen (The Minister for Planning and Environment):**

The brief for the North of Town Masterplan allows the consultants not only to produce a plan which accommodates the town park as originally proposed, but also to look at other visions for the area. One of the key objectives of the town park decision was the provision of underground car parking. This will be unaffordable without some development on the edges of the park. Therefore the masterplanners will likely present a range of options and one of those is likely to include the concept of building some housing around the edge of the park. The draft Masterplan will shortly be presented to the Political Steering Group, thereafter a decision will be made on which options are favoured and a presentation will be made to States Members.

### **2.14.1 The Deputy of St. Mary:**

If I may, a supplementary? With respect, the issue is not really about the car parking. The problem is that if we protect the quality of life of one group - that is those who live in the countryside - and we fail to enhance the quality of life of another group - those who live in town - then I think we are engaging almost in social apartheid and I would ask the Minister does he not agree that the park should be the size that everybody who signed that petition thought it was going to be and not reduced for matters of expediency? It appears that people matter less than money.

### **Senator F.E. Cohen:**

That is far from the case. The objective of the North of Town Masterplan is to deliver the best solution for the north of the town and the best solution for the Island. If the Political Steering Group decide that the preferred option is to consider some development on the site, it would only be on the basis that that improves the whole ... the holistic whole is improved. It certainly is not simply just a matter of money.

### **2.14.2 The Connétable of St. Helier:**

Would the Minister confirm that the terms of the petition which I presented in 1999 make it clear that no building will take place on the site and therefore any decision to pursue that would require the States to rescind its approval of the petition?

### **Senator F.E. Cohen:**

The petition which I have in front of me is a little bit confusing, but I do accept that the principle was that the town park should be unencumbered. If the decision of the Political Steering Group was that we favoured some building, then of course the matter would be brought back to the States.

### **2.14.3 Senator J.L. Perchard:**

Does the Minister share my disappointment that Members are already devaluing the work of the masterplanners before the plan has even been presented?

### **Senator F.E. Cohen:**

I think that many Members have a particular interest in the town park and that interest has been held for many years. I do understand that they are concerned when they hear rumours of various different proposals but I would make the point that the Masterplan, as I said earlier, will present a range of options and from that range of options the Political Steering Group will bring forward some recommendations.

**2.14.4 Senator S. Syvret:**

Does the Minister not accept that the Masterplanners, however marvellous they may be, are the tail attempting to wag the dog here? There is an extant States decision that this park will be created and it will be unencumbered across its surface. Does the Minister not also accept that that part of town is the most densely populated and poorest and neglected part of Jersey and it is quite absurd to start ruining what would be a wonderful green lung for that part of town by building on it?

**Senator F.E. Cohen:**

That is the whole point. The objective is to present the very best for the north of the town and the very best for the Island as a whole. If the argument put forward is that the park will be better with some development around it then that would be the preferred route possibly of the Political Steering Group. It is a question of whether Members believe that unencumbered space that bleeds into the surrounding area is the absolute imperative or whether Members believe that delivering proper traffic and parking solution to the north of the town is also exceptionally important. If we are to do that it is very clear that underground car parking is far preferable to above ground car parking and therefore some mechanism to deliver underground car parking on the Town Park site will need to be found.

**2.14.5 Connétable A.S. Crowcroft of St. Helier:**

The Minister has given 2 reasons for the possibility of building on the park; one that it would improve the aesthetics and the other that it is required for paying for the parking. Would he confirm that all previous discussions on the town park going back now for more than a decade, have assumed that the Car Park Trading Fund will bear the cost of the parking that is going to be provided?

**Senator F.E. Cohen:**

I think, as many Members may know, the Car Park Trading Fund is unlikely to be able to afford the cost of underground car parking which could be up to double the cost per space of producing above ground car parking.

**2.14.6 The Deputy of St. Mary:**

Yes, in remembering that the context of having this park is now that we are going to put 7,700 more people into the town area, how does the Minister think that it can possibly be the best solution for the park to consider building yet more housing instead of having the green lung that we only on this site can have for that part of town?

**Senator F.E. Cohen:**

No one is suggesting there would be no green lung. All that is being considered is the various options relating to how that green lung is delivered and how it is framed. Reverting to the point made by Senator Perchard, I think it would be helpful if Members were prepared to give a little time and wait until they see the Masterplan and then I am sure there will be plenty of opportunity to criticise.



## **2.15 The Deputy of St. Mary of the Chairman of the Privileges and Procedures Committee regarding the underlying principles of electoral reform:**

It is like the buses. Yes, in view of the inevitable arguments over detail which accompany any proposal to change the Island's electoral system, will the Chairman confirm that the Committee has identified clearly the underlying principles of electoral reform and if so, will she advise Members what these principles are?

### **Connétable J. Gallichan of St. Mary (Chairman of the Privileges and Procedures Committee):**

The principles that are underlying electoral reform are set out in P.72 and the process by which the P.P.C. (Privileges and Procedures Committee) arrived at those principles is set out in the accompanying report. In brief, the principles are: provide for a general election, establish more equitable representation between the Parishes, retain link between each Parish as an individual entity and the States, increase voter turnout, increase the term of office, decrease the number of States Members. Although certain clear themes emerge from the consultation work undertaken by the previous P.P.C. and also from past States debates, it was apparent that there was no overall consensus among members of the public or Members of the States about the type of reform that should be introduced. Furthermore, P.P.C. acknowledges that there are often irreconcilable conflicts between different proposals when attempts are made to put together one overall reform package. For example, while there is no denying that the Island-wide mandate is seen by some as important, this has not been included in P.P.C.'s proposals. Currently only 22 per cent of Members have one, only 60 per cent of Ministers have one and only 16 per cent of the Members of the Chairmen's Committee have one. It was clear to P.P.C. that the retention of the Senatorial mandate could frustrate other more meaningful reform. P.72 therefore attempts to find the best workable fit for the principles identified. In addition to the reforms proposed by P.72, P.P.C. is already engaged in other work aimed at increasing voter participation including ways to provide more assistance for sick vote-type procedures and the possibility of increasing access to pre-poll voting while preserving the integrity of the system.

### **2.15.1 The Deputy of St. Mary:**

I am astonished at the notion that P.72 contains underlying principles of electoral reform and if I can just remind Members of 2 of them and then ask a question of the Chairman of P.P.C.; 2 of these underlying principles of electoral reform are that the Parish Constables should remain as Members of the States and that many, presumably many members of the public, felt that there were too many Members in the States. Could the Chairman confirm that P.P.C. did not discuss what underlying principles of electoral reform should be, because these certainly are not underlying principles?

### **The Connétable of St. Mary:**

I am quite astounded by the Deputy's question. When this was originally written to me some 2 weeks ago, I was confused then as to exactly what the Deputy was getting at. He has had 2 weeks since he did not ask me last time to elaborate. He did tell me that he considered this to be a very simple question and why was I wasting my time working on the answer. So, let us look at the issue of the Constables, for example. The Constables are being retained in our proposals because what we need to do is find effective workable reform which has a chance of support. Apart from the M.O.R.I.

(Market and Opinion Research International Limited) poll which showed there was support for ...

**The Deputy Bailiff:**

I think, for me, Chairman, the question was simply whether you had in fact discussed any underlying principles, so I would have thought either a yes or a no.

**The Connétable of St. Mary:**

The present P.P.C. committee reviewed all the work undertaken by the previous and did discuss and came forward with this proposition.

**The Deputy of St. Mary:**

I am sorry, that is not an answer to my question.

**The Deputy Bailiff:**

I will come back to it, Deputy. Senator Syvret?

**2.15.2 Senator S. Syvret:**

If I could help the Chairman of P.P.C. For example, one of the rudimentary and obvious underlying principles of electoral reform anybody would look at would be the question of proportionality per the number of elected representatives in the Chamber in respect of the number of seats there are. That is a fundamental underlying principle. On that basis, I find it difficult to imagine that the P.P.C. did consider those type of principles, given that they have come forward with an anti-democratic set of proposals that flies in the face of the principle in that they are seeking to keep the 12 Constables in the States, some of whom represent microscopic constituencies, so there is a great deal of disproportionality there and remove the most democratically accountable Members of the States.

**The Deputy Bailiff:**

So the question is, Senator?

**Senator S. Syvret:**

The question is did the Chairman and Committee consider those underlying principles such as the proportionality of representation?

**The Connétable of St. Mary:**

Yes, I made it clear in my answer, I believe, that one of the things we were looking at was to establish more equitable representation. I also said quite clearly that there were sometimes irreconcilable conflicts between what member of the public and others said they required and how they could be achieved and, as has been stated, P.P.C. did discuss this and attempted to find the best workable fit.

**The Deputy Bailiff:**

Right, the final question, I am afraid, from Deputy of St. Mary will then bring things to an end. Deputy of St. Mary? Unless you want to defer to Deputy Southern?

**2.15.3 The Deputy of St. Mary:**

No, thank you. I have got a very good question of my own. No, I would just like to ask a specific question which follows on really from Senator Syvret's. What comment would the Chairman of P.P.C. make when you consider that the Constable



of St. Helier represents, I think, 15,000-odd electors and the Constable of St. Mary, just so happens, represents a very, very... in fact a 10-fold smaller number and how does that square with the principle of proportionality?

**The Connétable of St. Mary:**

Firstly, currently of course so does the Deputy of St. Mary represent the same number of people. [Laughter]

**The Deputy of St. Mary:**

St. Helier has 10 Deputies.

**The Connétable of St. Mary:**

Yes, there are anomalies. One of the ways to address the anomaly is by the creation of constituencies which even out different boundaries for the election of Deputies because, for example ...

**The Deputy of St. Mary:**

Are we looking forward to the creation of Super Constables?

**The Connétable of St. Mary:**

I was not aware I was giving way. One of the underlying principles is the retention of the important Parish link. That is an extremely vital thing that came out in the consultation. The link between the Parishes is currently in some Parishes between the Constable and the Deputies and, in some cases, simply between the Constables where the Deputies have different constituencies. There is not necessarily the same clear link although many Deputies do play an active role in Parish life of course. So there are different ways that this imbalance needs to be addressed. Retaining a link with the Parishes, I think, is vital and was shown to be vital in our research in one form or another. I still do not give way, but I think I have said enough.

**The Deputy Bailiff:**

Very well, I am afraid that brings question time to an end. So then we ...

**Deputy G.P. Southern:**

May I request that the House considers suspending Standing Orders? We have got one question left, it would seem appropriate.

**The Deputy Bailiff:**

I fear the Bailiff ruled on the last occasion that that could not be done, Deputy.

**Deputy G.P. Southern:**

I do not believe I heard the Bailiff saying that could not be done. We are awaiting the institution to our question time in order to finish questions and get proper answers. In principle, I would have thought we could have dealt with one more question.

**The Deputy Bailiff:**

Yes, I am afraid I am advised by the Greffier that is exactly what the Bailiff ruled. Very well, so we have to move on ...

**The Deputy of St. John:**

On a point of clarification, as you are Bailiff designate [Laughter] could you not waive the rule?

### **The Deputy Bailiff:**

I think there are 2 answers to that, Deputy. The first one is that under Standing Orders the Bailiff's decision is final, but secondly, even if it were not it would be a rash Bailiff designate who would depart from the decision of the Bailiff. Very well, we will come to C, Questions to Ministers Without Notice, and the first period is to the Minister for Housing.

### **3. Questions to Ministers Without Notice - The Minister for Housing**

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

Given the Minister's enthusiasm in pursuing the early rezoning of a number of greenfields to accommodate over 55s and first-time buyers, can the Minister advise Members of the progress being made requiring Planning Consent for these sites because it is my understanding that the only sites at the moment in front of the Planning Department are the Parish driven site at Trinity?

#### **Senator T.J. Le Main (The Minister for Housing):**

I am the Minister for Housing, I am not the Minister for Planning and Environment. That is a question that should be directed to the Minister for Planning and Environment.

#### **3.2 The Deputy of Grouville:**

On the same subject, the Minister confirmed in answers to my questions earlier that many of the rezoned sites are either owned by or will be developed by the same person or his company, in fact 6 of the 8 are. Could he also confirm that same person is a friend of his to the point of going on holiday with him and his family, and does he not consider this to be a breach of States of Jersey Law?

#### **Senator T.J. Le Main:**

No, that is totally incorrect. I have never been on holiday with anyone that is a developer.

#### **3.3 Connétable G.F. Butcher of St. John:**

Given that the number of rezoned sites are in the ownership of one developer, does the Minister consider it appropriate to be attending planning meetings and supporting the rezoning of yet another greenfield site when no action is being taken on the ones that already have been rezoned?

#### **Senator T.J. Le Main:**

The Connétable knows very well that I have written to the Minister for Planning and Environment and that, as Minister for Housing, I am approached by people that want either housing, need to be re-housed or in fact have sites that are in the rezoning proposals. I have expressed my view that as Minister for Housing I will do everything with every developer or land owner that has rezoned sites approved by this Assembly for development. I will give my assistance and support in seeing these sites come forward, whoever the developer, the land owner or otherwise will be.

#### **3.4 Deputy T.M. Pitman:**

As I understand it, the marriage breakdown policy under (a) to (h) qualification rules was put in place at a time when the standard period for qualifying was much longer

than it is at present. Does the Minister perhaps then consider whether the period of residency required under the marriage breakdown policy should be reduced proportionately as well?

**Senator T.J. Le Main:**

The marriage breakdown policy has been a well defined and well understood policy and, of course, I would always consider every case on its merits, but at this present time I am not prepared to vary that well defined and well understood policy, but if any cases come forward on a breakdown policy where there is real medical or other social hardship, then I will consider them.

**3.5 Senator A. Breckon:**

The Minister for Housing