

STATES OF JERSEY

OFFICIAL REPORT

THURSDAY, 15th DECEMBER 2022

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[9.30]

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

PUBLIC BUSINESS - resumption

1. Proposed Government Plan 2023-2026 (P.97/2022): twenty-fourth amendment (P.97/2022 Amd.(24)) - St. Helier Urban Renewal Programme, including Havre des Pas

The Bailiff:

We continue now on the debate on the Proposed Government Plan. The next amendment to be dealt with is amendment 24, St. Helier Urban Renewal Programme, including Havre des Pas, lodged by the Connétable of St. Helier, and the main responder will be the Minister for Infrastructure. Connétable, there is an amendment. Are you accepting the amendment?

Connétable A.S. Crowcroft of St. Helier:

No, Sir.

The Bailiff:

Very well, I ask the Greffier to read your amendment.

The Greffier of the States:

Paragraph (e) – After the words “Summary Tables 5(i) and (ii) of the Report” insert the words – “, except that in Summary Table 5(ii) – i. the 2023 estimate figure showing against Reserve for Central Risk and Inflation should be reduced by £1,000,000; and ii. there should be inserted a new line in the Infrastructure section entitled “St. Helier Urban Renewal Programme, including Havre des Pas” and the figure of £1,000,000 inserted in the column for the 2023 estimate for that line”.

1.1 The Connétable of St. Helier:

Last week one of the more pleasant things I got to do was to go to the Arts Centre to see the latest production there of “Alice in Wonderland”. If Members have not been to it, may I give it a quick plug. It is one of the best things I have seen on the Arts Centre stage in the last couple of decades, and it is on until 22nd December. But one of the things I really enjoyed about that evening was it informed me where the phrase “jam tomorrow” comes from. In my ignorance I had no idea it comes from “Alice in Wonderland”, from the pen of Lewis Carroll. Jam tomorrow is really the subject of this debate today. In the Common Strategic Policy, my amendment to include the pledge: “We will increase our investment in the public realm” was approved. So we are committed as a Government to increasing our investment in the public realm but not yet because it is jam tomorrow. We are going to start in 2024, if the Council of Minister’s amendment is accepted. I am grateful of course that they have found an extra £1 million to spend on the public realm of St. Helier, including at Havre des Pas. But I am disappointed that they do not think that money is needed next year. The purpose of my amendment is to make sure that it starts next year. If Members have read my report, and I hope they have, they will see that I highlight the enormous investment in the public realm by the private sector. I take my hat off to firms like Le Masurier for what they are doing in the Bath Street area, the area described many years ago - at least 10 - in the North of Town Masterplan, as needing a partnership approach from government and private sector. Well, private sector have created a fantastic new walk through from the Town Park into Halkett Place via Moneypenny Lane. The only project achieved by the last Government’s 4-year term of office was Midvale Road improvements. That is phase one of the North of Town Masterplan, to which I have already referred. It took them 10 years to do that and they did not use their own money. They took money from Jersey Development Company because the previous funding for the scheme had been spent in St. Lawrence by the then Minister. I will not say anything else. But anyway the money was done, Midvale Road is fantastic. Even people who objected at the time have said to me what a wonderful enhancement of the public realm it is,

particularly for people who are walking to work and to school. But with nearly 1,000 new homes planned for this part of St. Helier, I believe there is no time to waste on getting this extra money spent. That is why I am pointing, in particular ... if the Department is going to tell us they cannot spend the extra money next year let me give them some ideas. Halfway through my report I refer to Havre des Pas, the fact that at long last some public sector investment has come along in the form of resurfacing the road. They did not manage to get the pedestrian crossings done, there were supply issues and there are only 2 of them instead of 6 but, hey, it is a start. They have resurfaced Havre des Pas. We of course, as Members will know, particularly the Deputies of the area, we have a lively - I would probably say resilient - improvement group in Havre des Pas, which meets at the Lido once a month, even in the winter. Imagine the feelings of that group when they created in 2018 an improvement scheme that was funded by the Parish of £140,000 [Aside] ... it was a ring-binder, it was just straight on to the button. We have to be careful of ring-binders.

The Bailiff:

Sometimes it works for St. Helier and sometimes it does not.

The Connétable of St. Helier:

In 2018 we carried out a village improvement scheme. We used WSP, the preferred consultants of the department. It was not called I.H.E. (Infrastructure, Housing and Environment) then, I think it was in one of its previous chameleon guises, but anyway we did the work and the consultants came up with a long list of proposals which were well consulted on and put on public display in the Ommaroo Hotel. On the day we went live with the proposals the Minister of the day published his opposition to them. Imagine the feelings of the residents group when this happened. But that is history. The group is now meeting. We have dug out the proposals. We have had a recent meeting to look at them. We think they are great. In case Members wonder how you could spend that extra money next year, let me just outline some of those improvements that they are talking about. Simple things like extending the coloured lights the whole length of the Promenade. It is practically the only part of Jersey which has these lovely, coloured lights, that previous Ministers in their wisdom thought we did not need around St. Aubin's Bays. But they have them at Havre des Pas and they would like to extend them all the way to the incinerator. We would like a historic trail in Havre des Pas so that people can walk around and see some of the historic properties and see the plaques on the properties. There are some really important ones in that area. They have already been identified. We just need to put the plaques up. We need benches and planters in Havre des Pas to make it a nice place to walk around. The biggest scheme of all, which would easily cost half of this extra £1 million, and which has been worked up by the department already because they came to talk to us about it, is the complete refurbishment of La Collette and South Hill Gardens, up on the hill. Anyone who has walked up there knows it is terribly neglected. It could be so wonderful. The residents want to get involved on a community basis in helping with that project and helping to maintain the gardens at Havre des Pas. As I say, the department officers, they came to us, and we were blown away by their proposals. The only sad note was when they said we cannot do them yet because there is no budget. But there is a budget. If the Council of Ministers withdraw their amendment there is money to spend in Havre des Pas next year. Even if we cannot, for example, repave New Cut and New Street. Has anyone looked at New Street recently? Has anyone had emails from constituents about the state of the surface and all the trenchwork and the different coloured tarmacs? It is a disgrace in a town centre to have New Street looking the way it does. We could pave it all the way up to the National Trust, Victorian House, St. Paul's Church, and incidentally of course, Next, several years ago, invested enormously in their new flagship shop in New Street and it sits outside a pavement that could be in a war zone. So, we could spend the money there, we could spend the money in Havre des Pas, but apparently we cannot spend it next year.

[9:45]

All I will say, as I wind up for the moment and await the amendment, is Deputy Warr is a member of St. Helier South. He comes to the meetings, very nice of him, but I wonder how he will come to the meeting on 5th January if he has voted against an extra £1 million for St. Helier, particularly for Havre des Pas next year. I wonder what he will say to the residents. Deputy Binet, the new Minister, and I am hoping we are going to maintain our good relationship because I have not had one of those with a Minister of that department for some years. But he has been coming to the meetings. How is he going to approach the residents who are already mystified because you remember the village improvement scheme I spoke about, well, his department is now running - I have to look for the description of it - a "Heart of the Village Seafront Enhancement" scheme. Apparently letters have gone through the doors of Havre des Pas residents - we have not seen them in them in the Parish Hall - the department, off its own back, decided we are going to do that whole process again. When this was mentioned at the last meeting there were howls of derision from the people present. Howls of derision. I am afraid the Minister will receive that same reaction if he goes in on January having prevented Havre des Pas from accessing this money it needs to improve its area. I maintain the amendment.

The Bailiff:

Is the amendment seconded? [**Seconded**]

1.2 Proposed Government Plan 2023-2026 (P.97/2022): twenty-fourth amendment (P.97/2022 Amd.(24)) - amendment (P.97/2022 Amd.(24).Amd) - St. Helier Urban Renewal Programme, including Havre des Pas

The Bailiff:

There is an amendment to the amendment lodged by the Council of Ministers and I ask the Greffier to read that amendment.

The Greffier of the States:

After the words "except that in Summary Table 5(ii)" replace the remaining words with the words – "the 2023 Head of Expenditure for Infrastructure Rolling Vote and Regeneration including St Helier will include preparatory work for St Helier urban renewal work including Havre des Pas, with additional funding of £300,000 in 2024 and £350,000 in each of 2025 and 2026 to be included in future Government Plans".

Deputy T. Binet of St. Saviour:

I believe it is me that is going to lead on the amendment to the amendment, if that is okay.

The Bailiff:

That is absolutely fine, Deputy.

1.2.1 Deputy T. Binet (The Minister for Infrastructure - rapporteur):

I can see this is going to be a little bit difficult for me because the Connétable is obviously a very seasoned speaker and he is also very compelling in the way that he presents things. But I am going to read what I have to say on this one, but I think I will try and be a little bit more natural when I come to sum up because I believe I get an opportunity to do that. Moving on to what I have to say in a formal sense. The Government Plan includes a rolling budget of £2 million per annum for improving the public realm and in order to properly utilise the money a programme of linked schemes is being developed within the town core, which will deliver public realm and active travel improvements, as set out in the St. Helier public realm and movement strategy. Substantial progress has already been made in developing a successful collaborative approach with the Parish of St. Helier. To ensure joint working and the alignment of priorities, regular discussions are held between officers in many instances through joint project boards and political briefings. Following completion of the

Midvale Road pedestrian improvement and Havre des Pas traffic calming scheme in 2022, the next projects programme to reach construction in 2023 will be La Motte Street, the western bus gate, Minden Place and improvements to the eastern bus gate. Consultation on the Havre des Pas phase 23 scheme called “Heart of the Village Seafront Enhancement” has also commenced recently, and I think we have to bear that in mind in relation to what the Constable has said about Havre des Pas, with further consultation and design programmes over 2023, moving into procurement and construction in 2024. I would ask him to focus on that too. As the Havre des Pas scheme illustrates, public realm schemes are complex to deliver and have a considerable lead time, and that is extremely important. On reflection, I certainly hope the Constable would agree that not only do these additional funds need to be targeted on projects that have a potential to add significant value to St. Helier’s public realm, they also have to be deployed at a time when those charged with delivering them are in a position to do so. Given the public realm team’s current commitments and resource limitations, if an additional £1 million was provided for use in 2023, the department would simply not be able to expand its capacity to be able to deliver the additional work by the end of the coming year. Such schemes are inevitably complex and they require time for planning and engagement with the Parish and its parishioners. The amendment, as drafted, takes no account of that. Thus, for very practical reasons, my amendment to the amendment proposes spreading the additional £1 million on public realm over the years 2024, 2025 and 2026. If this is accepted we will have time to plan and recruit in such a way as to deliver that which we all hope to achieve. I certainly hope Members will agree that this approach is the most sensible and indeed it is the only practical way forward. On that basis, I urge Members to accept the amendment to the amendment.

The Bailiff:

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

Deputy M. Tadier of St. Brelade:

May I raise the défaut on Deputy Kovacs please?

The Bailiff:

Yes, indeed.

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

It is interesting to say that there is money available but there are not projects ready to go. I want to add one to what the Constable of St. Helier has mentioned, which is ... I will give a very specific. It is a neighbourhood improvement area around Poonah Road area, Poonah Lane, Pomona Road, Pomona Lane, Aquila Road, Great Union Road. We had a meeting with residents, really nice to have, to talk about what needs to be done. One of the obstacles is simply money. There is money available. There is another meeting on 30th January where we could actually action some improvements. There is an idea. Action not words. Rather than delaying for yet another year, with money available we can start to take these actions. Not only are they actions but they are inclusive actions with the population in the area. It gives ownership to people in that area to make change to their environment. If you do that you get access to what people want, you get the change necessary and you can make more radical change because the people in the area are speaking about the changes that are being made. If you want to come and have a walk around, I am sure the Constable of St. Helier will take you as well, you can see that those areas are just purely concrete. For a minimal input of cash, a fraction of that £1 million, we could radically improve that area and we can have it as an example of the way that you regenerate an urban area to make it more liveable, more pleasant for the local community, more pleasant for the people working there, cooler in the summer, make it more pleasant in the winter, and these things need to be done right not. But instead we are saying we will wait another year because there may not be capacity. There is never capacity. In a year’s time

there will be something else that will take priority instead and there will not be the capacity then. Because yet again, St. Helier is just simply a vehicle for building dense housing, more and more dense housing, we do not know who to, we do not know who it is going to, probably buy to let, not to the local people there. Unaffordable rental accommodation that is not going to be used and that is okay because we can give developers breaks to do that. But when it comes to actual regeneration and a project they are delayed and delayed and delayed, and we will talk again about this later on. Where a decision has been made it is obvious, from the Constable of St. Helier's speech, there is a complete disjoin in what is happening. When the Constable of St. Helier is not being consulted, certainly the Deputies of St. Helier are not being consulted I have spoken to. Certainly not. So when we talk to people about how we can improve that area, the only answers we have: "We are trying." So I invite the Minister to come on 30th January and talk to those residents too and say: "Sorry, I voted against that money being available this year. We cannot do it." Give us a reason why. Come and talk to the people it affects directly. The other option is to withdraw this amendment to the amendment because it is completely unnecessary and let us get on with the job and let us take some action rather than just talking words yet again.

Connétable M. O'D. Troy of St. Clement:

I just need a ruling, Sir. It has just occurred to me I have business in the Havre des Pas area, in Roseville Street. It is on the periphery but it would benefit, I think, from money spent in the Havre des Pas area. It is the Runnymede Court Hotel, so do I participate? Am I allowed to vote?

The Bailiff:

There is a slight judgment to be called here, Connétable, because there may be some interest in the improvement but whether that would be of direct financial benefit to you and your business is rather more moot. So my view, in having declared the position, it is not necessary for you to withdraw.

Deputy M. Tadier:

Can I just add, we are also debating when the money will be given, not how much of it, so the improvements are presumably going to be done sooner or later?

The Bailiff:

That is a very valid point, Deputy. Thank you very much. Does any other Member wish to speak on the amendment to the amendment?

1.2.3 Deputy J. Renouf of St. Brelade:

Just a few quick words to support the amendment to the amendment. Deputy Ward has made a free-ranging sort of speech which piles in grievance upon grievance, talking about dense housing, buy to let, developers getting tax breaks, town being ignored, and so on, and I have to say I think most of that is a lot of nonsense. This Council of Ministers is taking seriously the issue of town and the resources in town that need to be applied. Deputy Binet has made very clear in his speech what it is that we are doing. We are doing work very specifically in terms of town improvement schemes but we are also, in terms of our Common Strategic Policy, making absolutely clear our commitment to reverse previous neglect of the town infrastructure and, in particular, green spaces and so on. It is not jam tomorrow. We are, as Deputy Binet's amendment makes clear, suggesting exactly what money we will spend in 2023. That is money that is being committed through this amendment. That is not jam tomorrow. There are lots of other programmes underway in St. Helier, as the Minister for Infrastructure said. I feel that the Constable's amendment is what happens when you try and elevate one scheme above all others and then move on to the next scheme that is more important than all others. We could keep on with that process, and the Constable is indeed coming back with some of those more important than all the other schemes later on today. We are doing plenty of work. We are not delaying. We are starting the work but recognising that there is other work going on. The Constable asks what would we say to the residents of Havre des Pas. I would say we are starting

work. We are doing it properly. We are putting in place a sequence of events. We are consulting fully. Then I would go down the road and I would say to the residents who are benefiting from all the other schemes that we are doing, that we are not going to cut your work so that we can throw money at Havre des Pas; we are keeping going with that work as well because we are committed to all those schemes. I support fully the Minister for Infrastructure's approach. We are not going to throw extra money beyond what can actually be spent in the time available for a scheme that we know we cannot finish in the time that the Constable would like it finished. But we are absolutely committed to doing the work.

The Bailiff:

We will pause for just a minute, if we will, to try and reboot the system so that ...

Deputy I. Gardiner of St. Helier North:

Sir, I would like to raise the *défaut* on Deputy Doublet.

The Bailiff:

Yes, the *défaut* can be raised on Deputy Doublet.

1.2.4 Deputy S.Y. Mézec of St. Helier South:

It was great to hear from the Minister for the Environment the Government's apparent stated intention to support improvements in St. Helier. It would be lovely if they could tell us about them in St. Helier and engage in a proper meaningful consultation with the people who will be most affected by these changes to ask us what we think.

[10:00]

I think that there is clearly a sign that something is broken when the Constable of St. Helier, who is the directly elected head of the municipal government essentially of our capital, who is invited on to the Future Places group feels the need to come to the Assembly with a series of amendments to fight for St. Helier and get funding to make improvements there, because that group is clearly not doing its job if it leaves the elected head of the Parish of St. Helier so unsatisfied that he feels the need to do this. The Constable referred to the Havre des Pas Improvement Group. That was an example of the Parish putting forward its own funding to consult widely with businesses and residents in the area to come up with a vision for that part of town to seek improvements to be made for it, which was rejected wholesale by the Government with very little more than a moment's thought on it at the time. I point that out because there is a suggestion to a later amendment for the Constable of St. Helier that he is wrong to be asking for government funds to be used for fund it and instead the Parish ought to pay for it. What a terrible track record there has been in that previously when, as ratepayers, when we do put up our own money to come up with these schemes they then get completely ignored. It is absolutely right that if we are pursuing these kind of schemes that there needs to be buy-in from all parties and all parties need to be properly involved in them. Again, the Minister for the Environment said this is not jam tomorrow but it, by definition, is jam tomorrow because we are talking about whether we allocate money in 2023 or we provide for a commitment for 2024 or beyond. Perhaps my maths is sketchy, but I think 2024 comes later than 2023. In this Government Plan debate, we are only approving the spends for 2023. So put whatever commitment you like in there about 2024 and onwards but that can come to this Assembly next year completely different and there might be reductions in spendings in other ways to provide for the extra £350,000 suggested in the amendment for that year. So, by definition, it is jam tomorrow so please do not believe that nonsense. I will make a confession actually to the Constable of St. Helier that I did briefly consider supporting the Government's amendment thinking it is the same amount of money overall but spread out perhaps that will be more easy to manage. That was before we discovered the line in the Government's amendment referring to this being a rolling budget. So there is no harm, in fact, in allocating it for next year. That can be dealt with. If there are underspends or if we are not able to

get certain things up and running, it can roll on into future years but it is secured by this vote that it will definitely be there. So we do not have to worry about losing it or worry about future commitments being watered down. I would ask Members to reject the Government's amendment, provide the funding for 2023, which can be rolled into future years if necessary, so that we can get a move on and start making those improvements to Havre des Pas, hopefully in line with the fantastic vision that was put forward with a deep consultation with people in the area, the people whose views actually matter, and not waste money on future consultations and not the proper engagement with the people of St. Helier and their representatives, which seems to be the direction they are going in.

The Bailiff:

This is the season of goodwill and giving and there have been at least 3 audible pings during the course of the last 5 minutes or so, so in accordance with the spirit of Christmas hopefully those who were responsible will “fess up” and will contribute to the Greffier's fighting fund. Thank you very much indeed. That was a technical term for judges, by the way.

1.2.5 Connétable R.P. Vibert of St. Peter:

I am one of those Constables that believe that Parishes should contribute to schemes within their own Parishes and of course they have the ability to do so by raising rates. It is a little tiresome that we hear time and time again St. Helier requesting taxpayers' money, and yes, some taxpayers' money should form the contribution to schemes within St. Helier. However, St. Helier has the enormous benefit and often it uses the reverse argument, but it has the enormous benefit of large areas of offices, retail premises, et cetera, from which it raises multi-million pounds in rates. I do not know if any other Members have looked at the St. Helier Parish accounts. Well, there is £18 million in reserve. Of that, £5 million are specific reserves, £13 million is in fact cash reserves, which can be used for any purpose. If the Parish wishes to take or speed up these schemes then they have the ability to do so. In the last year the reserves have risen by £1.3 million. £1.3 million would easily fund some of the schemes that we are talking about and therefore I would ask that Members accept this amendment, which I think is very fair. I would also like to see the Parish actually contributing because they certainly have the ability to raise the funds. The fact that their reserves rose by £1.3 million proves that fact. Therefore, that is what I have to say and I hope that Members will support the amendment to the amendment.

1.2.6 Deputy M. Tadier:

I get on well with the Constable of St. Peter, I hope. I hope it is reciprocated. But that argument simply does not make any sense because while St. Helier may or may not have huge reserves it may or may not have a capacity to get lots of rates in from residential and from commercial units. That is an argument for maybe a different day and for a later proposition, and later amendment. But there is no suggestion from Government here that the Parish should be paying for this scheme. This is simply about when the money is drilled down to pay for that scheme. In passing, I can make the reference that I firmly believe that St. Helier, as the Island's capital, which we have been reminded of ... often we do not speak of St. Helier as the Island's capital. We wait for the international media who recognise that St. Helier is our capital to do that for us. What this debate therefore is about is not who pays for it. I think Government has not got any problem paying for the improvements of Havre des Pas, probably largely because that is work that needs to be done by what I used to call the T.T.S. (Transport and Technical Services) Department, not the Parish, although no doubt it has to come with some collaboration and co-operation. So what we are simply looking at here is does the Government make the £1 million available straightaway or does it drip feed that money in over a number of years. I think that it makes sense to give the money straight up. It gives certainty to the project. It gives a strong intent and a strong signal that the work will go ahead, that no shenanigans can happen in later years. Because we know that from year to year, monies and pots of money can be changed. I have seen it in the brief time that I spent at Economic Development as a Minister and

had to fight for budgets that were otherwise going to be changed. When it comes to the suggestion of elevating one scheme above the other, we do that all the time. Look over the past few years, departments were encouraged to put in fiscal stimulus bids for capital projects, so you had the likes of Hamptonne putting requests into build new visitor facilities there. You had the work that took place at Elizabeth Castle. In this very Government Plan we have got the Opera House, which one could consider is a project that has been elevated above all others. One which I fully support. I wish that that could have been done quicker. Although the Opera House is a project that is not going to be completed even next year but at the end of the following year, all of the money has been allocated up front for that. It is much more. It is £11.5 million for one single building to be brought up to scratch. If the Government had said: "We want to spread that over 3 years", they could have done that, but it would have meant that the project ... the alarm bells might have gone out about why are you not giving us that money up front. We are talking about £1 million here, which works out at less than £10 per head of population for the whole Island, for a capital which houses a third of the Island's population, let alone all of those who come into town most days for work or leisure. I think it is right that we elevate ... the Constable seeks to elevate Havre des Pas, if that is what he is doing, because it is such a beautiful area but it is one that has been neglected. To say that Havre des Pas has potential would be slightly misleading because you only need to look at historic black and white postcards of what Havre des Pas used to be like to know how beautiful it was then and what it could be put back to with a little bit of imagination. I do have some other thoughts, if this amendment is rejected, and we can debate the proposal as the Constable wants. There will be brief comments. But I simply leave it at that. Let us not get distracted about arguments which I think are divisive between town and country and recognise that our capital, including Havre des Pas, needs investment. It is a relatively small amount of investment and that money should be given up front rather than games being played over budgeting, releasing that money, drip-drip, over a period of years.

1.2.7 Deputy P.F.C. Ozouf of St. Saviour:

It is quite right that constituency representatives and Constables make and have the opportunity of making their case on the floor of this Assembly. As Assembly Members, we need to balance all of the priorities that we have before us in dealing with, as always, and if any Member needed reminding of the importance of public finances being balanced and there being certain resources available, and they need to be allocated in a priority and sequential way. Of course we do not need to be reminded about that, with the carnage that has gone on with the U.K. (United Kingdom) and in other Governments. I rise to speak as a former St. Helier Deputy, as also a president of Environment and Public Services, as a Minister for Treasury and Resources that put millions - millions - into improvements in St. Helier. I take with great pride and I hope the Constable will recall the huge amount of initiatives that have been done in St. Helier. All the street widenings that we are seeing around Broad Street. Does the Constable remember Bath Street? Does he remember Charing Cross? Does he remember all of those initiatives that were done at public expense, prioritised to improve the public realm of St. Helier? In my term of office, as previously was, we put in for the first time, in a Government Plan, in a Corporate Strategic Plan, St. Helier to be rightly putting its place as our capital and as our place. Yes, there had been under-funding but look around St. Helier of how it looks today; with widened safer pavements, with a whole myriad of public realm improvements. It is somewhat disappointing that the Constable never seems to recall the amount and scale of works that have been done in the last 10 to 15 years to improve public realm of St. Helier. I recall when we set up S.o.J.D.C. (States of Jersey Development Company), setting up what was then called the Urban Regeneration Steering Group. I think it is now called Future Places. There is one Constable that sits on that; it is the Constable of St. Helier. He has a seat at the table. He has a seat at the table recognising the important role that he has. But I am afraid nothing ... and he talks about jam tomorrow. Can I just remind him of the jam that he has already had for the people; quite rightly for the people of St. Helier in the past? Lots of it. Marmalade, jam in abundant circumstances, and rightly so. We have proudly improved the public realm of St. Helier in ways that even 10, 15 years ago would have been

unimaginable. I take pride in walking around St. Helier with the Minister for Infrastructure, and the Constable, and I say: "Do you remember we got that done? We got the taxi rank sorted out, we got this and we got that done." I am involved with a business ... not financially but I know one of the businesses at Havre des Pas. I know quite important how Havre des Pas is as a site. which was originally tourism, and is being refreshed and it has had some road improvements. We can do some more, and we will do more. The government is absolutely committed.

[10:15]

I have heard - I am not a member of the group - of the inspirational plans that under our Chief Minister's chair with Deputy Warr and the Minister for the Environment and our Minister for Infrastructure, the fantastic opportunities that we can have to improve the public realm around the north of town and other areas. There are priorities and those priorities need to be sequenced. The Constable is quite within his rights to bring forward and have this debate. Absolutely correct. But we, as States Members, have an obligation to balance those needs, to put those resources in a sequential, in a proportionate way, that allocates resources properly. May I say to the Constable, he is a great speaker? He can charm. That is about debate, it is a great thing when you have good speakers and they can charm. But they can also please kindly, and I say to the Constable, please kindly recognise the huge efforts, the huge amounts of public money, not only St. Helier money, and has been wisely pointed out by the Constable of St. Peter, who is an Assistant Minister for Treasury and Resources, also the Parishes have responsibilities too. The Constable of St. Saviour is not here at the moment but, as a St. Saviour Deputy, we are on his case. We want to see some urban improvements in St. Saviour. There are many areas of the Island that need areas; Five Oaks and all the rest of it. They feel as though they have been taken second class. We have been called Greater St. Helier. We are not Greater St. Helier, we are proudly St. Saviour, I say. This amendment by the Minister for Infrastructure ... and St. Clement, and those other Parishes, they have needs too. We need to listen to them. I know that St. Helier Deputies, it is our major capital, we have more St. Helier representatives than any other Parish, because we have a new reformed electoral system but we are still here to allocate resources in a proportionate, in a sensible, in a sequential manner. If the Minister for Infrastructure, who I understand has been having great discussions with the Constable of St. Helier, the Constable of St. Helier has been meeting the Minister for Infrastructure. I just get the sense that nothing ever is good enough. So I think we need to be reasonable. I think we need to be fair and proportionate to our other responsibilities. Is it appropriate that the Minister comes forward with a pragmatic solution to solve the issues of Havre des Pas, a place I love walking around. Love seeing the improvements about and want to see further improvements. This is an amendment which allows these things to happen in a proportionate, costed, timely approach. So I imagine that the Deputies of St. Helier will want to take the Island-wide view, as we all have to do, not just our own constituents. I hope that they will see the importance of other budgets being allocated, the large amounts of money that have been put generally into the ... did not exist before that budget, by the way, with road improvement, of general improvements. That was a good thing. Having money from S.o.J.D.C. allocated specifically for urban improvements. I hope that a balanced, fair, proportionate deliverable amendment, which the amendment - I am hearing some huffing and puffing again - will be made and Members of the Assembly will send a clear message. They want to see Havre des Pas improved as soon as possible in a sequential proper way for delivery. I strongly support the Minister for Infrastructure, he has a big job on his hands with all of the other tasks that he has to do, loads of other issues, he will prioritise St. Helier. Perhaps the Constable, when he speaks, will say the proportion of the amount of time that the Minister for Infrastructure has spent with the Constable of St. Helier versus some of our other Parishes. St. Saviour is number 2 as well. How much time has St. Saviour had so far? Well, St. Saviour is coming but we are going to start making representations for St. Saviour too. Let us be fair, let us be proportionate, let us be reasonable, let us support the Minister for Infrastructure who is doing a great job.

1.2.8 Deputy M.R. Scott of St. Brelade:

I do support the improvement of Havre des Pas because it is a very important ... it has much potential as a tourist area but I was surprised that my fellow Deputy of St. Brelade, Deputy Tadier, is pushing on this particular project at this particular point. In the bridging Island Plan there is a proposal that there should be an improvement plan for St. Brelade's Bay, which happens to be a very popular tourist area. The proposal, and it is only a proposal - any proposal of the Island Plan just remains a proposal - is that this improvement plan be put in place by December 2023. It is not the first time we have had a proposal to improve St. Brelade's Bay. The former Island Plan, which as people will know was approved 10 years before, that had a proposal that there would be a local development plan for St. Brelade's Bay. As you know, I have not been in the States for as long as my fellow Deputy Tadier, but there was a tourist infrastructure fund that could have funded quite a number of projects in, say, Havre des Pas and St. Brelade's Bay and that was whittled away. I am sorry that my fellow Deputy might not have fought harder, that that might rather have been spent on school trips and sporting trips, might not have actually been put towards the improvement of these areas. But generally I would like to congratulate the Constable of St. Helier for having advanced Havre des Pas as quickly as he has. I do believe that there is a balance and I will be supporting the Government's amendment.

1.2.9 Deputy K.F. Morel of St. John, St. Lawrence and Trinity:

If you do not mind, and I hope Deputy Tadier will not mind as well, I would just like to make a correction for the record. The money for the Opera House is not up front, as was suggested by Deputy Tadier; it is in 2 tranches, £6.27 million next year, £3.23 million the year after. So there is not £11 million just sitting there waiting to be spent on the Opera House. It would be wrong that that is the case. Moving to the main part of the speech, listening to the Connétable did make me think of a quote I came across a few weeks ago, and it is a quote which has stayed with me, perhaps more so because I am the Minister for Economic Development, Tourism, Sport and Culture, but in this case we are talking infrastructure, that obviously requires investment. Infrastructure is a vital part of every economy. But the quote from Thomas Sowell, an American author, is that the first lesson of economics is scarcity, which means there is never enough of anything to fully satisfy all those who want it. The first lesson of politics is to disregard the first lesson of economics. When I listen to the Connétable that is exactly what I hear. Someone who quite rightly, as a seasoned politician, has learnt very well to disregard that first and vital realistic lesson of economics, that there is never enough to go around. It is not just in the case of money, in this case, with regard to this particular amendment. It is also about actual resources, people, the capacity to do the work. In the comment which is obviously informed by the Infrastructure Department, the Minister for Infrastructure, it is made quite clear that the department does not have the capacity, even if it was to be given £1 million and told: "Please spend this on these particular St. Helier improvements. The Department does not have the capacity because the Department is already working on an enormous amount of projects for next year, and in St. Helier that includes La Motte Street enhancements, public realm, pedestrianisation and cycling enhancements. It includes the western bus gate, Esplanade, Gloucester Street junction, realm and bus advantage sustainable transport scheme, Minden Place, all the way from Cattle Street to Bath Street, fish market entrance settings, pedestrian crossings, realm improvements, the eastern bus gate, public realm improvements. It also includes work that we are doing via Future Places. That is just in St. Helier. As other people have quite rightly pointed out, there are 11 other Parishes as well. But, of course, as the Island's capital, most of the resources of both the Government and the Infrastructure Department end up focused in St. Helier. But there is no way to avoid that very basic reality of life, that there is never enough of everything to go round. Even when the money is there, it is not always the case that the people to make that money deliver are available, and in this case they are not available. So let us take a step out of fantasy and into reality. Let us see what the Government is offering. The Government is saying we are very serious about these improvements. The Government is saying we want to do this but we want to do it in a way which enables us to do all the other work

that has to be done as well. So we are setting a timetable down to show that this work will be delivered beginning this year, planning it this year, because there is also a lead-in. The other part of this is that the Constable does not seem to realise that it takes time to plan all of this work. It takes time then to get planning permission for this work, where there are also other scarce resources in the Planning Department to deal with such planning applications. It then takes time to go out to tender to get the work and then obviously the work can start. Let us deal with reality. We have before us a very good position from the Government, which is showing that it wants to deliver this work, it has set itself a timetable to deliver this work, and it will deliver this work. It is just not at the timetable that, in the fantasy world of the Constable, he thinks can be delivered. It cannot. So let us agree with this amendment because this means that we will get the work done rather than pretending we will get the work done if the Constable's amendment succeeds, because it will not be possible.

Deputy L.V. Feltham of St. Helier Central:

Could I just ask Deputy Morel for a point of clarification?

The Bailiff:

Deputy Morel, are you prepared to give way for a point of clarification?

Deputy K.F. Morel:

Yes, Sir.

Deputy L.V. Feltham:

In Deputy Morel's speech he mentioned that the Opera House funding, the total amount was not being approved. I have just been looking through the Government Plan documentation and I may have missed something but all I could find was reference to the full £11 million-plus. So I just wondered if the Deputy could point me in the direction to the relevant part of the Government Plan, which shows that it is being approved on a ...

The Bailiff:

On a staged basis.

Deputy L.V. Feltham:

Yes, thank you.

Deputy K.F. Morel:

Page 55, the table labelled "Estates", she will see about 6, 7 lines down that it is written there.

1.2.10 Deputy D. Warr of St. Helier South:

I do not want to get into the nitty-gritty of lots of political arguments here because I actually quite like the Constable of St. Helier, and I like to think we get on well in the various chats over a cup of coffee that we have. He talked about jam tomorrow, and I liked Deputy Ozouf's commentary about jam jars. We appear to have, as the Constable of St. Peter, plenty of jam jars in the cupboard of the Parish of St. Helier; about £13 million worth of jam jars in our cupboard. Surely, if the Constable wants to get this work done, and he can find the resource do it, what about him lending £1 million of those jam jars to the Infrastructure Department and then maybe paying it back to them over those subsequent years when the Minister for Infrastructure has said that we will carry on and do that work. It is just a thought.

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

I would just like to make one comment. I believe I heard the Constable describe parts of St. Helier as looking like a war zone. Can I suggest he watches the news from Ukraine to see what a war zone looks like?

1.2.12 Connétable M.K. Jackson of St. Brelade:

We suffer from historic road ownership issues and St. Helier particularly has an acute problem with that. Some are owned and managed by the Infrastructure Department, some by the Parish. We have a situation here where Havre des Pas is owned and managed by the Infrastructure Department, the Parish want improvements, and this is the case in most Parishes I have to say. Taking the longer view, would it not be wise to avoid these sort of debates coming here and the Minister for Infrastructure talking to the Constable of St. Helier and saying: “Okay, we will do the work but we will do the work on the basis that you take this area over afterwards.”

[10:30]

There is absolutely no reason in my view that that should not take place. And it should take place in other areas too. Shall we say, create a situation so that in future the Parish Assemblies can take the view on whether to spend the money or not out of, as my colleague from St. Peter said earlier, reserves. I think it would be a far more satisfactory situation. So I am reluctant to support the Infrastructure Department in the amendment that they put forward today but I would say that if they achieve the desired result of the residents let us pass this over to St. Helier once it is done. There will not be the liabilities for many, many years to come and I am sure it is something that will be palatable to ratepayers in that Parish.

1.2.13 Deputy C.D. Curtis of St. Helier Central:

It is somewhat disturbing to hear Deputies who do not represent St. Helier and even some that do arguing against funds for improvements in St. Helier for next year. Having spent time with resident groups I can tell you what they want most of all, and that is trees. They want to hear birds singing in the trees. In the whole of the Poonah Road district there are, I think, just 2 trees. It is a concrete jungle. I assume most States Members do not live in a concrete jungle. If Members do not want others to live this way, then I urge them to vote against the Council of Ministers’ amendment and instead support the amendment brought by the Connétable of St. Helier so that St. Helier can be made a better place to live without delay.

1.2.14 Deputy I. Gardiner:

Very shortly, I think that I had a good working relationship with the Constable and I do want to have improvements for St. Helier. I wish we would have discussed these amendments on Deputies’ meeting, which was cancelled before the amendments were lodged. As a Deputy for St. Helier North, I am wondering why Havre des Pas has the priority before St. John’s Road improvement that residents were requesting for 25 years and we are trying to find the money. Why has Havre des Pas taken a priority upon the St. Aubin’s inner road, to which we are working together for several years and it was no improvements? Why has Havre des Pas taken priority upon the La Pouquelaye? As St. Helier Deputies know, I would like to discuss between us first, between all 3 districts, what are the priorities, together with our Constable and maybe to present a more coherent priority list to the Minister for Infrastructure and to the Future Places? By the way, I am a member of the Future Places and I wish the Constable would bring and discuss it with the Deputies first and with Future Places before bringing the amendment to the Assembly. This is the reason, I think, that our approach, I would like to see improvements around the schools, Havre des Pas, there are lots of competing priorities and because we do invest this money. The scheme around Havre des Pas would be developed during 2023 because we cannot immediately deliver this scheme. The money allocated to delivery or to development and visibility for 2023 for Havre des Pas, I think it is just really a pragmatic way forward to support our amendment.

1.2.15 Deputy T.A. Coles of St. Helier South:

It is a quick note to point out, there is a huge amount of development going on on the Green Street area, the development of The Limes and the high rise at La Collette flats. This area is being neglected,

which is a shame. Deputy Renouf may have come across his natural historic environment team within Planning, they are very passionate about this area as it does have a lot of history. There is a lot of development going on there. There is a lot of history going on there. We need to make sure that this area stays both historic and fit for purpose for the people who are now going to be living in this area. Investment is required and it is required urgently. This sort of rolling budget may mean this projects gets done in 2023, 2024, maybe even 2025. We are just looking for some certainty for this area of St. Helier to make sure that we do not lose our historic environment in this area through all the modernisation and we also keep an area that is fit for people to come, visitors to the Island or even just locals enjoying a night out because there are a lot of bars and restaurants in the area that seem to get forgotten as people move into other areas. But we need to keep this area as vibrant as all other areas of town.

1.2.16 Connétable P.B. Le Sueur of Trinity:

Just briefly, I find myself on the horns of a dilemma this morning with this one. While I desperately want to support my fellow Constable because I realise the importance of improving our capital, we put a lot of people here in multiple occupancy units and it is so important. I know he will criticise me because my parishioners have the benefit of a lot of green area and scenery around them. But I do worry about where is the money coming from? Is it new money? Is there such a thing as new money? Because my Parish are currently embarked on the catalyst work to deliver a village improvement scheme to improve walking and cycling routes in the heart of the Parish. I just need to be assured that if I do not go along with this one that my parishioners are not going to suffer in the long term. Because speaking with officers from the department, they still cannot give me an assurance when the government funding will come forward to continue with the project that the Parish have started. I really would like to hear with confidence that this is new money and is not going to deprive my Parish from a scheme which is already in train.

1.2.17 Deputy A. Curtis of St. Clement:

I thought I would talk because I could be the representative of St. Clement or I could be the parishioner of St. Helier. I live on La Motte Street, which is subject to I.H.E. works at the moment for their public realm strategy, and I was not consulted. I was not in when they came knocking on doors but I did get to speak to them. It is a team that is working, as government resources, in time. What I would like to think is that we should be working slowly and methodically and if we are to fund it more, much as Deputy Morel said, it is a challenge of economics. The report much of this is based on, the St. Helier public realm and movement strategy, was a consultant-led report by Arup and I would hate to think we would be looking back to 2023 thinking that the way we delivered our work was by extending using contractors and consultants, rather than building up the capabilities of a public realm team that I am more than happy to say need improvement with how they engage with people. But I would like to see us take 2023 to do that work and not requiring that funding and using 2024, 2025 and 2026 to deliver. I certainly do not think that I am living in a war zone or I am living in a concrete jungle but I do think we need care and attention to St. Helier.

1.2.18 Deputy A. Howell of St. John, St. Lawrence and Trinity:

I wish to say I do support St. Helier and I think we do need to make it as attractive as possible for everybody living there. But we have not got the money to do everything. I suggest that we support the Minister for Infrastructure and go along with his plans. He has only got a small team to deliver what he wants to deliver. We cannot have everything, we have to wait. In the meantime, might I suggest that the Constable of St. Helier does perhaps put some trees in the area, that Deputy Curtis has mentioned today, then they would not cost very much and it would make an improvement? I am sure that there are enough millions in his coffers to do this and it would make a difference. Let him come up with some plans and let us support the Government in this.

1.2.19 The Connétable of St. Helier:

I know I am not summing up on this debate, it is the Minister, but I wanted to be able to comment on some of the hares that would be set running and I was not mistaken. A lot of Members did not listen to Deputy Tadier when he said that this debate is not about the quantum, it is about the timing. It is not about how much money Government spends on St. Helier, it is about when they spend it. So many speeches were almost exclusively devoted to talking about the amount of money that was on the table. Some went off on interesting devotions about how much money St. Helier may or may not have in its coffers, and I will come to those in a minute. There was that regrettable - and it may have been deliberate, I do not know - decision by some speakers to focus on St. Helier does not need this money. This debate is about when St. Helier - and in particular when the public realm and Havre des Pas - gets investment. The other technique that was clearly displayed by many speakers was divide and conquer and it often happens in these sort of debates. Let us divide up the Parishes, let us get the Deputies and the Constables of the other Parishes saying how much they need investment and how they are worried about their schemes being affected if we invest in the capital. All I would say to those people - and I have been saying this for as long as I have been in the States Assembly - is that St. Helier has always stepped up to take the burden, if you would call it that. My predecessor used to, I do not call it the burden. We have always stepped up to take the housing need of the Island. Because it makes sense for people to live in town because they are close to services, they are close to schools, they are close to jobs. Clearly, it is much more sustainable; they do not have to drive to work or drive to school. It protects the coast, it protects the rural communities. In fact I am on record as having supported the purchase of Plémont because I wanted to keep the north coast in its current state. Some of my constituents said to me: "What are you doing supporting all this improvement of the countryside and the National Park?" I said because I want a beautiful Island to visit when I go out of town and I do not want it pepper-potted with dwellings, the way our sister island is, unfortunately. I think it is a mistake to divide and conquer because St. Helier has always stepped up. It was doing it in the Victorian period at the time of Pierre Le Sueur, when half of the Island's population lived in town, almost more than half; it has done that. But the quid pro quo has always been that the Government will recognise that and work with the Parish and put funding into improvements. I am going to pick up on a few speakers, not everyone, Members will be pleased to know but I am going to pick up on a few. Deputy Binet read the official report of the Government proposition almost verbatim. He is a new Member, I am sure he will not always do that. But if Members turn to the report that accompanies the amendment they will see that it is pretty much full of holes. For a start the 4 projects that are listed, 2 of them are to do with the buses, the western and the eastern bus gate. I am sure they are very important for the transport of the Island but they do not really benefit the parts of St. Helier we are talking about. Further down it talks about the King's coronation and the need to create an enduring legacy there, and I agree with that but not at the expense of people who have been living in Havre des Pas for 20 years waiting for significant investment from Government. The third paragraph says there is: "A successful collaborative approach with the Parish of St. Helier." When I first read that I thought is there another Parish of St. Helier? Have I missed something? Clearly, we do have a Future Places Steering Group. It was called the Regeneration Steering Group, it was changed to Future Places without asking me what I thought about it and, clearly, I am hopeful that it will deliver. But the previous groups - and I am going to come back to Deputy Ozouf's speech in a minute - had a pretty disappointing delivery. Yes, Deputy Binet is clearly going to respond, so I will not say any more about his comments. Deputy Renouf talked about elevating one scheme over another and he mentioned the Opera House. The Opera House is receiving a cool £11 million and this is something that has been raised to me by members of the Havre des Pas Steering Group. They are mystified, they have been in existence for 20 years wanting serious investment in that area and they cannot see why the States are preferring other schemes. Yes, priorities work both ways. The Constable of St. Peter - and this was reflected by a couple of other speakers - said that St. Helier has lots of money sloshing about in its coffers. He first of all displayed

- and I am surprised at this because he is a Constable - a certain amount of ignorance about how the rating system works. All the Constables will know, and I am sure most other Members will be aware, that Parishes can only raise rates to meet their expenditure.

[10:45]

They cannot simply say: "We have got lots of ratepayers, so we can get lots of lovely lolly and put it in the bank." They cannot do that, the law does not allow it and the Parish Assembly that meets every year in every Parish makes sure that the Constable only raises sufficient money to meet its expenditure on crucial services and they drill down into those services to find out what they are. The fact that St. Helier has more ratepayers is irrelevant because we also have more expenses and the ratepayers are very good at focusing on which of those expenses need to be met. Every year in St. Helier they raise the problem that some of our expenses in St. Helier, some of that money we could be spending at Havre des Pas, is being spent on maintaining parks and gardens and public toilets, which in every other Parish are paid for out of taxation. They say to me: "Constable, why are you not fighting that battle?" I say, well, one at a time, please. The £18 million the Constable of St. Peter referred to is inaccurate. I have been sent a breakdown of the £10 million that we have in reserves at the moment. Some of that is needed - and, again, Constables will know this - to manage the payment of the bills between when the rate is set and when the rate comes in and in some Parishes that takes longer than others, without looking at any particular direction. But in St. Helier we set our rates in the first week of July. We are paying bills right through from the end of the previous financial year and we need part of that money in our reserves to make sure we do not go into a deficit. The other money in our rate reserves at the moment, some of that is for the vehicle depreciation and Members will be aware that we run a pretty big fleet of vehicles around the Parish. The other important part of the income is the St. Ewold's refurbishment programme. If Members want a breakdown of that money I can provide it. But in fact there is a shortfall and when we get to next year's Rates Assembly we will be managing a deficit until we have our rates meeting and hopefully meet it. But clearly the Constable of St. Peter will not be turning up to the Havre des Pas Improvement Group any time soon. I am grateful to Deputy Tadier for emphasising that this debate is about timing and not about the quantum of money. Then we went on to Deputy Ozouf - I am going to be very careful not to play the man here - but I am going to have to respond to some of the things that Deputy Ozouf said because he put his record for improving St. Helier up there for me to comment on. He kept talking about this whole myriad of improvements that have happened in St. Helier, and I was making a list of the ones he talked about. Over a period of 20 years it is true that we have widened Conway Street pavements; it has been done twice by the Infrastructure Department. In the Government term where there was - and I am grateful to former Senator Gorst for it - a line in the Government Plan about St. Helier. We did achieve the paving of Sand Street around Charing Cross, those improvements there, and there was further money spent in Conway Street. Work has been done in Bath Street; that was done around the time of the creation of the Town Park; Members will realise that happened a long time ago. But quite a lot of the other work in town has been done by the private sector and I do not think the Government can claim credit for either doing all the work or for doing it in a speedy fashion. Because I have been to many, many town centres which have achieved more in the last 5 years than we have achieved in the last 20, so I do not think the rate of progress has been as good as he says. As he talked, and I remember one of his speeches, it was the one on the rent-a-room debate, he talked about action not words, he said it twice. Yes, I was reminded of another literary figure who likes to sort of push the message for the party and he was clearly doing that. He then moved into the divide and conquer and he started talking about St. Saviour and of course St. Saviour Deputies and representatives do need to work on their urban improvements. But he finished by talking about enjoying his walks around Havre des Pas. Again, well if he wants to come to the next meeting I will welcome him. He finally talked about my informal conversations with the Minister and it is true that I enjoy a personal relationship with the Minister for Infrastructure. We have shared a few pints together and I am not prepared to say anything about that because I just think it is a private matter

between him and me. But the proof of the pudding will be in the eating, it will be on what successful projects arise out of that relationship. Deputy Morel said that I live in a fantasy world and there is never enough to satisfy everyone. Again, he is another Member that does not appreciate that at my back I have a very disgruntled, disappointed, disenchanted group of residents and businesses who have been meeting in Havre des Pas for at least 20 years and asking for something to be done about the state of their area. They were particularly upset when I think it was Deputy Ozouf was in charge of the fiscal stimulus proposals and money was allocated to almost every Parish centre except St. Helier and Havre des Pas got missed out again. Deputy Warr went on to thin ice when he talked about the £13 million in St. Helier's coffers. I have advised him that that is £10 million and I have advised him what it is for. I look forward to seeing him on 5th January. Deputy Millar criticised my use of the word "warzone" in respect of New Cut. I apologise if that has given offence to her or to anyone else listening. It certainly was not my intention. It is a phrase that has been used to me by constituents who are really disappointed by the state of that street. The other one of course - and all Members will know this if they drive a motor vehicle - is the St. Saviour Ring Road which is a bumpy ride to anyone with a sore back. There are parts of St. Helier which desperately need repaving. Deputy Catherine Curtis talked about the need for trees and she referred, as did Deputy Ward, to the Poonah Road area, and I am grateful to both of them coming to our first Neighbourhood Improvement Area meeting recently. I have to say to another speaker who said St. Helier should pay for those trees; well they are. The budget is in the rates and was in the Rates Assembly meeting in July and St. Helier is paying for those improvements in all of the 6 Neighbourhood Improvement Areas and Havre des Pas will be included in that. Because a lot of the streets in Havre des Pas are Parish-administered streets and of course it is right that the Parish picks up the bill for those. But the main road through Havre des Pas and the gardens at the top of the hill are administered by the Government and so it is right that the Government should be working on those. The Constable of Trinity worried about his projects and I would reply to him that this is not new money. We are not talking about the amount of money, we are talking about the timing of it. It does seem to me that the main argument is about whether I.H.E. has the resources to carry out the work that this extra money will be providing next year if this amendment is defeated. I would say to my good friend, the Minister of I.H.E., that we can work with him to make sure this money is spent on projects. I have already mentioned the improvement of the gardens, which is surely going to cost a third of a million if it is done properly. The work by his officers is underway, they came and showed us their preparatory work. The other schemes in Havre des Pas, as I say, were worked on when the Parish spent money on a properly researched and consulted report that came up with a list of costed improvements. They are ready to go and they are ready to go next year. The resources argument as far as Havre des Pas is concerned does not hold water. It may hold water as far as the town centre goes, I do not know because I am not privy to those schemes. But the resources argument for Havre des Pas does not hold water. I can guarantee that if this amendment is defeated it will be a very happy meeting of the Havre des Pas Improvement Group instead of a rather disgruntled one in January, and we will work with the Parish and work with the States to make sure that that money is put into improvements that everyone will benefit from when they visit Havre des Pas in the coming year. I urge Members to reject the amendment.

1.2.20 Connétable K.C. Lewis of St. Saviour:

I will be very brief. Members are aware that following the last election I moved from Deputy to Constable of St. Saviour and Deputy Binet of St. Saviour informed me that he would be throwing his hat in the ring for Minister for Infrastructure. I did at the time wish him the very best of luck, and I meant that most sincerely. I did say at the time that no matter what you do it will never be enough and, yes, that has proven to be true over the years. I will just run through a few things, if memory serves. The coloured lights at Havre des Pas, white lights were put in, I believe, originally to aid cyclists riding on the road there. Coloured lights, I am sure that could be arranged with the ...

The Bailiff:

Connétable, could I interrupt you for a moment? The reception is extremely poor and many Members are having difficulty hearing you. I do not know what system you are using but it is demonstrably less good than other people who are participating remotely. Are you able to improve it in any way at your end?

The Connétable of St. Saviour:

I will give it a wipe, I am not sure if it is ...

The Bailiff:

No, I am afraid that that was unintelligible, Connétable. Members are simply not able to understand what you are saying.

The Connétable of St. Saviour:

Okay.

The Bailiff:

Did you want to try again? Is there a different way you can do it? Can you change the microphone or something like that?

The Connétable of St. Saviour:

It is an on-board microphone. Should I maybe stand a little closer, is that any better?

The Bailiff:

It is marginally better but it may be that I think Members will also have difficulty following you there. I am sorry.

The Connétable of St. Saviour:

Okay, thank you, Sir.

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

Yes, I just want to follow up from what the Constable said because timing is important and I think the focus of this debate has been around timing. As some Members have pointed out in regard to the Opera House, the agreement is for the project but the timing of the spend is over 2 years. Timing is important for 2 reasons when it comes to infrastructure, one of course is the balancing of budgets in-year and complying with the Public Finances Law and allocating funds in a pragmatic and fair way, which is what the Minister has done with his budget requests. It is fair to say, as the Constable of Trinity asked for, is this new money? No, it is not new money and, therefore, an allocation of all this money within one year, rather than as the Minister is proposing, to do his consultation to start the spend and have a proper managed process, if that is not allowed to happen then there will be implications for other spends and other projects within his department. While, as the Constable tells us, the Havre des Pas Working Group may be happy on 5th January if we reject the Minister's proposal, perhaps the works which have already started elsewhere and those parishioners may not be quite so happy. But not only is it important from a timing perspective, from a budgetary perspective, but timing is also important from an implementation resource perspective. Of course the department is quite clearly telling us that it requires the implementation of this project if it is to deliver it fairly, if it is to deliver it to a high professional standard, that the resource, which is largely human resource, must be allocated over the time period that the Minister is suggesting and not just simply try to be shoe-horned into one year because it just will not be possible. I do not want to get into some of the other comments that the Constable made. Our Parish is, for example, able to ask their parishioners to raise their rates to create reserves for various purposes across the Parish, let us be clear they are. Constables do not always like to do that, some who are forward-thinking do, others for various

reasons might not but they are able to do that. But I will leave the rating system at that, otherwise I will lose as many votes as I might possibly gain from this speech.

[11:00]

1.2.22 Deputy L.V. Feltham:

I just wanted to start my speech by maybe allaying some fears that people that are supporters of the Opera House may have following what the Minister said earlier because of course according to the Public Finances Law when it does come to those major projects, which of course the Opera House is, what we are approving is the proposed total cost from start to finish within this Government Plan, which is my understanding. Just in case there is anybody that was confused because I had to look up that page 55 of the Government Plan myself and then refer to the Public Finances Law to check that. But going on from that, as Deputy Mézec mentioned, as a party we have discussed the merits or not of this particular amendment at quite a length because at first it sounds quite sensible; we will ensure that the budget is in the years that we know we can undertake the work. But then you look at the figures and the amount of money and then also the detail within the Government Plan itself. There is a little asterisk alongside the rolling fund that the Government wishes to place this particular pot of money in, and that asterisk says that if we are approving that funding we are doing so on an annual basis. That is quite different to a lot of the capital rolling funds that we see within the Government Plan. What has convinced me not to support this amendment is that it vastly reduces the amount of money that we are approving for this purpose and, potentially, does not give enough money to be able to deliver on what we need to and, potentially, would deliver only partly-completed projects. I understand that the Constable has done a lot of work with the community, has done a lot of work to ensure that there are projects ready to go. Also, I kind of have the confidence that if this capital budget was not expended in this particular year, that as it is capital expenditure it could be rolled over in future years. This is probably for the main debate but just in case it sways Deputy Gardiner on this particular amendment, the wording of the amendment does say St. Helier, including Havre des Pas. I, like Deputy Gardiner, have been working with residents on St. John's Road in the area and, if indeed, the work in Havre des Pas area could not be completed then, potentially, we could be looking at this particular funding to help our constituents as well in that area. I will not be supporting this amendment. I do encourage Ministers to ensure that they are aware of the Public Finances Law and also the project and programme management framework that is utilised by Government departments because it may well help them understand more about the practicalities of managing these particular projects and programmes.

1.2.23 Deputy S.G. Luce of Grouville and St. Martin:

The Constable started his opening remarks by talking about jam tomorrow and how he has not made much progress in recent years. Deputy Ozouf carried on by talking and saying that the Constable had had jam and marmalade. He might have also included treacle because I do have to share some sympathy with the Constable. Getting things done in St. Helier in the way of improvement sometimes must be wading through treacle. The Constable is quite right to highlight New Street and there is a classic example of where a simple road resurfacing scheme could make a huge difference to that part of town. While I am sympathetic with the Constable I do not feel that I am going to be able to support him on this one. I am going to go with the amendment to the amendment and I am going to do that for this reason; it is plans for infrastructure work take time. They need it to be done properly and with some sort of project and timescale in mind. We are very close to 2023 now. I am not sure whether this money would be used to best effect. The other reason is while I agree with the Constable that in recent Governments he has had very little help in some areas and things have moved very, very slowly. I think this new Minister for Infrastructure is going to do a good job and this Government are only just bedding in now. I am going to give them the benefit of the doubt that they are going to come up with the goods and deliver for St. Helier in the way the Constable wants.

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

As we heard from his predecessor, the Minister for Infrastructure has got a very difficult job but I share Deputy Luce's confidence in him. We had the explanation from the Constable about the difference between Parish and public roads and St. Helier are asking for money to be spent on public roads, not on their own Parish roads. I was delighted to hear about the schemes they have got planned with the Parish byroads for additional trees. We heard from my colleague from St. Brelade about the potential to transfer the road from the public to the Parish. That is not something that I would support because I believe that is a major arterial road for the Island and I think we need to retain that in public ownership because it is a key part of our infrastructure. What we do not need to retain in public ownership are the parks. I believe the parks could be transferred from the public to the Parish. The Parish of St. Helier proved their ability to maintain their own parks and with the public's involvement I believe that that is somewhere where we could be starting. I think in a phased approach if we looked at transferring the parks in 2023 I would think that would be a way forward.

The Bailiff:

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

1.2.25 Deputy T. Binet:

Having listened for the past hour to the many comments and having listened particularly to the Connétable, I can see that this is going to be difficult for me because the Constable is clearly not just a very eloquent speaker but an extremely clever speaker to boot. I have to start by saying that I feel particularly disappointed at this point in time, if not a little let down. Because the Constable casually referred to the fact: "We have had a couple of pints, it is a private matter and I will not pass any further comment." I will, I have made a point of meeting the Constable every 2 or 3 weeks, we do go and have a beer together in town. We take along our diaries and we discuss public realm at great length. We then stroll off and I have to say not in a drunken state, we just have one beer each and then we spend another 45 minutes to an hour walking round the town, looking at the various things that we want to put straight. In addition to that, I think I have attended almost every one of the Havre des Pas monthly meetings. One of them I could not attend because I was busy. Furthermore, the Constable referred to my speech and he said, yes, I read it verbatim. Yes, I did read it verbatim but I spent a long time on that speech and I wrote more than half of it myself and I checked the facts through with the department. The most upsetting thing that I found was when you referred to the fact that I have made mention of the fact that there was a good relationship developing with the Parish of St. Helier and he said: "Is there another Parish of St. Helier?" That is particularly disappointing because I have been along to the Parish Hall, met with the Constable formally and set up meetings with him and his team and my team once every 3 weeks. If that is not good communication and a good approach to it I do not know what is. I hope that Members will take me on my word when I say that if we have this extra £1 million this year we simply will not be able to spend it. It is a very, very small team, they are extremely pressed and I have committed to that team spending time this year preparing to spend the £1 million spread over the following 3 years, and that is as much as their capacity will allow them. I will just say this to the Constable because I want to maintain that good relationship, I think it is important for both of us and for the Parish. But if I tell him I am coming back next year to fight for the extra third of a million and for the following 2 years that is exactly what I will do. If we say we will do the job we will do it. I think I will spare everybody any further drivelling and I will just ask people if they would be kind enough to support the amendment to the amendment.

The Bailiff:

Thank you very much, Minister. Is the *appel* called for? The *appel* is called for. I invite Members to return to their seats. The vote is on the Council of Ministers' amendment to the Connétable of St.

Helier's amendment and I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. I announce that the amendment has been adopted:

POUR: 33		CONTRE: 15		ABSTAIN: 0
Connétable of Trinity		Connétable of St. Helier		
Connétable of St. Peter		Connétable of St. Lawrence		
Connétable of St. Martin		Connétable of St. Brelade		
Connétable of St. John		Deputy G..P. Southern		
Connétable of St. Clement		Deputy M. Tadier		
Connétable of Grouville		Deputy M.R. Le Hegarat		
Connétable of St. Ouen		Deputy R.J. Ward		
Connétable of St. Mary		Deputy C.S. Alves		
Connétable of St. Saviour		Deputy L.J Farnham		
Deputy C.F. Labey		Deputy S.Y. Mézec		
Deputy S.G. Luce		Deputy T.A. Coles		
Deputy L.M.C. Doublet		Deputy B.B.S.V.M. Porée		
Deputy K.F. Morel		Deputy C.D. Curtis		
Deputy S.M. Ahier		Deputy L.V. Feltham		
Deputy I. Gardiner		Deputy R.S. Kovacs		
Deputy I.J. Gorst				
Deputy K.L. Moore				
Deputy P.F.C. Ozouf				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
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 A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F Stephenson				
Deputy M.B. Andrews				

1.3 Proposed Government Plan 2023-2026 (P.97/2022): twenty-fourth amendment (P.97/2022 Amd.(24)) - St. Helier Urban Renewal Programme, including Havre des Pas - as amended

The Bailiff:

Very well. We now return to a debate on the amendment, the twenty-fourth Amendment. Does anyone wish to speak on the amendment?

1.3.1 Deputy M. Tadier:

Briefly because I think some of this was said earlier. I do not think this is the end of the world that the amendment is being passed. I think we were debating for a very long time when the money would be drilled down. What I would ask, I will make 2 main points. The first is that I think we have now got to move on from what I think was quite a divisive debate about location. There is a well-known book called *The Triumph of the Country* which documents the rivalry between town and country and I think we need to move past that. I think those comments were made in the previous debate. This is the time to talk about Havre des Pas, and it is right that is being raised and it is right that I think we all support now the improvements that can and should be made there. I think St. Saviour's time will come. No doubt Deputy Ozouf may want to speak again about what needs to be done in St. Saviour but I think there will be a time to debate that in the future. Of course there will be work that needs to be continued in Les Quennevais and in St. Brelade's Bay. I certainly know that as the only St. Brelade Deputy who has returned to the Assembly or previous representative who has been returned to the Assembly as Deputy, there will be another time to discuss that when the amendments and propositions come. But we do have a masterplan that is due to be done for our area but it is right that we are not parochial in a sense so that when we come to this Assembly we are here to represent the best in the Island. What I would ask is that when the work gets in Havre des Pas and the improvements are made, that we do not make the same mistakes that we might have made in other parts of St. Helier. I will give 2 tangible examples; one is around Sand Street and I think Deputy Morel might remember that we did a walk around in town once and it is only when you start to consider why certain street furniture has been put there and what the counter-factuals are; what could have been put in its place if the money had not been spent in that way? It is quite remarkable, when you go around Sand Street you realise that there are trees which have metal rings around them and they have rubberoids at the base, which is very bizarre; you do not see that in most European countries. It is often done in a different way, in a more sensitive way. You have benches there which are, again, in a circle, which just seem to be designed possibly to stop people lying on them but it also means that it is very uncomfortable to sit on those benches. There is the Summerland site where Andium have homes, and I have raised this directly with Andium. I have a fairly good relationship with Andium officers and I have always found them helpful when I talk to them. But the reason I was attracted and drawn to Summerland was because I, every now and again, use the E.V. (electric vehicle) facilities for the car. If I need to hire a car or a van for whatever purpose I go down there and maybe while I am waiting I sit on the benches that are there or rather should I say I try to sit on the benches because they are completely uncomfortable? It is like they are benches that have been designed for people not to be able to sit on them. They cut your back, they are so low that even anyone, it does not matter you do not have to be as tall as I am, you cannot sit on it for more than a few seconds before you will become extremely uncomfortable. I did raise this with Andium. I said: "I know it is not your fault necessarily but I think it is your budget and your team has paid for this."

[11:15]

They look like the kind of benches which would be much more expensive than, say, an ordinary bench that you might see up at Acorn. I went up to Acorn the other day, there are lots of benches out there which probably cost £100. They are solid and they are sturdy and you could probably sit on them for hours if you wanted to without getting too uncomfortable. I do ask for some common sense. We have all been talking about taxpayers' money being used, can we please have some buy-in in what is ultimately **[Interruption]** ... that is £10 towards that of course, I know this is not going directly to the Havre des Pas fund. But when we spend that money can we make sure it is done in a particularly sensitive way, not least because Havre des Pas is a particularly sensitive historic area of the Island, of course not that far away from where the likes of Victor Hugo was living in the middle of the 1800s when he was here. It is an important area for our tourists to come to still. Those are the points I wanted to get off my chest.

1.3.2 Deputy P.F.C. Ozouf:

Very briefly, just to correct something that was said earlier in relation to we are discussing now the allocation of money to Havre des Pas. The Constable also said that there had not been previously allocations made. I would just draw his attention, and I will circulate the report just for the avoidance of doubt, it was said on the record so it needs to be corrected. In fiscal stimulus there were 8 projects all for St. Helier. Out of the £55 million West Park to Cheapside; Phillips Street shaft that meant that there would be no more flooding in St. Helier, that was £3.2 million; Victoria Avenue £3.6 million; Queen's Road water improvements; urban renewal for Cheapside £224,000 and then the Opera House was also there, to improve the Opera House and the urban area around there, so there was millions and millions of pounds put in. I would just like the Constable in his summing up to correct the assertion that was made that there were not previously allocations in the general decisions that we are making for allocation for St. Helier.

The Bailiff:

Does any other Member wish to speak on the twenty-fourth Amendment? If no other Member wishes to speak then I call upon the Connétable to respond? Sorry, who is that?

Deputy T. Binet:

Sorry, Sir, I should have put it in the Chat. Am I allowed to speak very briefly, Sir?

The Bailiff:

Yes

Deputy T. Binet:

I just wanted to reassure the Connétable that I am looking forward to working with him over the coming years and to making sure that we get that money and it is well spent.

1.3.3 Deputy K.F. Morel:

I just wanted to echo the words of Deputy Tadier and when looking at some of the public realm, he is absolutely right. At his request, we went on a walk around St. Helier and we were looking at these public realm items and I can only ask the Infrastructure Department particularly, because I imagine most of the responsibility lies there, to really rethink the furniture that they are putting around St. Helier. It may be in their minds like to say it is practical to stop people sleeping on things like that but that is not what is needed. There is one piece, which to be fair is part of a private development, which is literally a kind of window ledge where they put steel spikes coming out of it to stop people in any way sitting on it; it is absolutely appalling. But whatever we do in terms of regeneration of St. Helier over the coming years, and there will be lots, this Government is committed to it. I completely agree with Deputy Tadier; we need to rethink the catalogues that we are buying from need to be replaced by new catalogues, is what I would say.

1.3.4 Deputy M.R. Scott:

I just wanted to say that what I heard from Deputy Tadier and from Deputy Morel is almost like a good argument for having the Parishes in control of these sort of development projects but I will support the amendment. I genuinely would like to see the Parishes, whether or not they are funding these things, designing them.

The Bailiff:

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

1.3.5 The Connétable of St. Helier:

The debate, I think, has been very useful in a number of ways. First of all, it has flushed out a number of views about St. Helier's position and I do not know whether all of these are seriously held or in fact were just debating tactics. If they are seriously held then I probably need to remind myself that almost half of the Assembly is new and maybe they do not have the scars that I have to show for trying to get a fair deal for St. Helier for 21 years now. Obviously I may have to do more to remind Members that, for example, in the year 2000 when some Members were probably only a twinkle in their parents' eye, a few of them anyway, the Government commissioned a landmark report called *Machinery of Government* and the relationship between the States and the Parishes, a really important landmark document which recognised that the capital does need to get some recognition from Government - and that was 22 years ago - it was recognised then that it would be the place which would be taking the majority of new development for the sake of our Island. I think there is also another issue, which we will probably be reflecting on in some of my other amendments, but the relationship between St. Helier and the other Parishes is sometimes a little fraught. I was disappointed by the Constable of St. Peter's remarks in particular. Again, that may have been debating tactics; he may not really think like that about this Parish. But I think it is really important that the whole Island learns to love St. Helier. Havre des Pas, for example, is there for the whole Island to enjoy, it is not just for the people who live in those streets beyond the beach. We have but one capital and we are very lucky we have got one capital because jurisdictions with more than one capital really struggle when it comes to the economy of those towns. Deputy Ozouf wanted to correct the record about the fiscal stimulus money and it is true that some good work was done at Cheapside as part of that and I thank him for that but, gosh, it does need a bit more spent on it, does it not? I mean Cheapside really does need some more investment in its estates main road. Does he want me to raise or does one of the other Constables want me to raise a special fund to improve Cheapside? How are ratepayers going to react if I go to the next Rates Assembly and say: "Government does not regard Cheapside as a priority, therefore, you ratepayers are going to spend money on this government road and the surrounding areas to make it better."? It was also quite interesting that the other schemes he mentioned when he talked about the millions being spent on St. Helier were entirely drainage schemes. The Phillips Street shaft, for example, what has that got to do with the debate we are having today? I was delighted to hear from Deputy Binet and to know that in spite of the fact that I did bring this amendment to the Government Plan I was mandated to do it by the people who voted for me. I am pleased and reassured to know that we are still going to be having informal glasses of beer together, that is good to hear. Deputy Morel, I am grateful for his intervention, although I do not want to be accused of knocking Deputy Binet's department but some of the street furniture that appears in my Parish, which I normally do not know about and it just appears, is pretty awful and it is always different from the last thing that appeared. One of the worst things that appeared was that dreadful shelter in front of the wonderful new I.F.C. (International Finance Centre) building. I think it is a wonderful building. I think the granite approach to it is a fantastic piece of public realm. Deputy Binet's predecessor decided it would be a smart idea to put a really ugly Perspex-covered cycle shelter right in front of the I.F.C. What a disaster that is. I wrote to the Minister and his chief officer and said: "Could you please take it away?" They said: "No, it is just a trial." Well it is still there. I agree with Deputy Morel, we do need to get it right. I have been pushing for an urban taskforce for some years. I almost had the previous Chief Minister ready to agree that the Regeneration Steering Group needed an urban taskforce to really focus on things like street furniture, town trees, walking and cycling routes and we were almost there and the election came along. The Future Places team do not believe that we need an urban taskforce. That is in my manifesto and I was voted with that pledge that I would form an urban taskforce. If Future Places does not deliver in the next 6 months I will come back to the Assembly with a proposal to set up an urban taskforce, which will be able to deliver in a joined-up way. Finally, genuine thanks to the Council of Ministers

for accepting my amendment to get a little more money spent on our capital. I maintain the amendment as amended.

Deputy M. Tadier:

Sir, point of clarification, please.

The Bailiff:

Would you give way for a point of clarification, Connétable?

The Connétable of St. Helier:

Sir, I have finished my speech. Thank you, Sir.

The Bailiff:

Very well.

Deputy M. Tadier:

It was an easy one ...

The Bailiff:

Do you call for the *appel*?

The Connétable of St. Helier:

Yes, please, Sir.

The Bailiff:

The appel is called for. I invite Members to return to their seats and I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. I can announce that the amendment has been adopted.

POUR: 49		CONTRE: 0		ABSTAIN: 0
Connétable of St. Helier				
Connétable of St. Lawrence				
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 K.L. Moore				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B.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				

1.4 Proposed Government Plan 2023-2026 (P.97/2022): twenty-third amendment (P.97/2022 Amd.(23)) - Removing the upper earnings cap

The Bailiff:

The next item of Public Business is amendment number 23, removing the upper earnings caps lodged by Deputy Mézec and the main responder will be the Minister for Treasury and Resources, and I ask the Greffier to read the amendment.

The Greffier of the States:

Paragraph (i) - After paragraph (h), insert a new paragraph (i) - “(i) to agree that the Upper Earnings Limit, as defined within the Social Security (Jersey) Law 1974, should be removed, abolishing the upper earnings limit cap on Social Security Contributions and on Long Term Care Contributions, increasing the estimated closing balance of the relevant funds by £7 million and £6.5 million respectively by the end of 2023;” and re-designate the existing paragraph (i) as paragraph (j).

Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter:

Sir, sorry, before this debate opens I have to declare an interest, as this would have a direct impact upon my household and I shall withdraw from the debate.

The Bailiff:

Thank you very much indeed. I should perhaps, Members, in connection that if a Member of the States has or whose spouse or a partner also has an interest in the subject matter of the proposition must, if it is a direct financial interest, declare and withdraw from the Chamber.

Deputy S.G. Luce:

I will also be withdrawing, Sir.

The Bailiff:

Thank you very much indeed.

1.4.1 Deputy S.Y. Mézec:

Thank you to those Members for declaring those interests and making that clear. This is an amendment to scrap the cap, not just a catchy slogan but a good policy to provide much needed revenue for our public services and to improve our tax system to make it more fair and progressive. The definition of a regressive tax is a tax where the tax rate reduces as the taxable base increases. That is the case for social security contributions and for the long-term care tax where the richer you are the less you pay. I regard that as immoral but I also regard it as unhelpful. It makes no sense to me to provide for tax exemptions for the people who can most afford to pay it to not benefit from that revenue going into those funds for the benefit of the whole of society. It stands directly at odds with the broader principles of progressive taxation and how we are meant to be seeking to fund our public services by people contributing according to their ability to pay so that everybody can receive according to their need for those public services. If Members thought we experienced a bit of groundhog day yesterday, let me warn them if this amendment is not accepted they can expect to experience it in future years. Because this point of contention that we have this unfairness built into our tax system is one which will not go away until it is dealt with and we will bring the amendment time and time again if we have to.

[11:30]

Because we will not ever stand for a tax system that provides exemptions for those who need them the least, while we do not currently fund an extent of public services for those who need them in our society. The effect of having this regressive and unfair cap on social security contributions and the long-term care tax means that we are, potentially, losing out on an extra £7 million annually into the Social Security Fund and an extra £6.5 million into the Long-Term Care Fund. We have had debates already in this Government Plan, and I am sure we will have many more debates in the future about all of those things that we would like to do, but we just do not have the money to do them. We had a debate yesterday about providing more affordable access to primary healthcare for people with multi-morbidities, something that would cost money to deliver if we chose to but which this Assembly voted against, even though I am sure that there are Members who did vote against, who in principle would have liked to have seen that extra support being provided. We know that there is great difficulty in our care services at the moment, great difficulty with being able to manage the quality and amount of care that is provided to those in our community and to fund the staffing levels that are required to deliver that and to keep people in that service when they have been working there but then struggle to make ends meet because their own salaries are not enough to sustain a decent living on. In this amendment I am asking Members to agree that these caps, what is officially called the upper earnings limit, should no longer exist. The upper earnings limit until a few years ago was set at an amount in the region of £170,000 a year, where above that you paid no extra long-term care tax and your employer paid no extra social security contributions for you. At the start of the previous term of office the then Council of Ministers got together and made a decision that that cap would be significantly raised and they raised it to £250,000. That was not the only option that they looked at, they did look at raising it to £500,000 but opted for the lower figure instead. Since then it has gone up by average earnings in those years since, so it now stands at a level of £276,864. If you are earning that amount of money you are doing really well by Jersey standards, extremely well and that is an individual salary; that is not households or a married couple or civil partnership, that is as an individual earning £277,000 a year. At the moment through the long-term care tax, that is charged at 1.5 per cent on the same basis as your income tax is but in contrast to income tax it is capped at that amount and so you pay not a penny of it above that. If this amendment were accepted you would

pay the full rate of long-term care tax on the whole of your income like the rest of us. You would be treated no differently in that respect. Instead that difference would be eliminated and you would be treated exactly like everybody else paying that same tax rate on your whole income. At the moment the effect of the cap on long-term care tax means that if you are earning just above £1 million a year your effective rate of long-term care tax would be one quarter of the rate that your cleaner or your gardener would pay or if you employed staff, I am sure pretty much nearly all of them would be paying; you would be paying a quarter of the effective rate, that is not fair. For social security contributions let us be absolutely clear on what the effect of the upper earnings cap being removed is there; that would not see those higher earners themselves paying that extra 2.5 per cent above that amount, it would be their employer paying it for them. If they are self-employed of course they count as their own employer and so they would pay it above that amount. But that is still the amount, £277,000 a year. There are not many of those people in Jersey. There are not many small or medium-sized businesses that are employing people on that salary. But I would have to say that if you are employing people on that amount or if you are self-employed and you are earning that amount, it strikes me as simply fair that the social security contributions are the cost of employing somebody on that amount. It is the case that you expect to pay social security contributions for all of your employees, why should it not be the case for those who you might employ on an extremely high salary by Jersey's standards? The effect of lifting these caps would be that into our Social Security Fund we would receive an extra £7 million a year and into the Long-Term Care Fund we would receive £6.5 million a year. We are told in the comments lodged by the Government in opposition to this that now is not the right time to do this because there is this review into the Social Security Fund currently ongoing. I would wager that that review is unlikely to conclude that an extra £7 million a year extra into that fund would have a negative effect on it. It strikes me as ludicrous the idea that more money going into it would cause problems for it. What it would certainly do is either make the fund more sustainable further into the future or it would enable the fund to be more generous in what it pays for for the services that we rely on. Likewise with the Long-Term Care Fund, which we know at its inception the proposal was that the long-term care tax, which started at 1 per cent, would eventually go up to 3 per cent. We are currently on 1.5 per cent. If that is still the case that to pay for long-term care in years to come, our contributions into it need to increase. By putting an extra £6.5 million into it by charging everybody the same tax rate you delay the point at which you would need to ask those Islanders on average salaries or lower than average salaries to pay extra tax for it by being able to delay that point, something which I hope Members would be keen to avoid, particularly with the cost-of-living crisis that we face. As I come to a close in my opening remarks on this, whatever economic arguments you might want to apply to this, there is also at the heart of this the moral point, which is that those on the highest incomes in Jersey should not have exceptions built into the system for them to prevent them from paying under the same rules as the rest of us. Are we one community or are we not? Do we not all deserve to be treated the same under our tax rules and pay based on what we can afford and not have carve-outs into the system for those who need them the least? There is no economic benefit to that and we have an opportunity to change that. I make the amendment.

The Bailiff:

Thank you very much, Deputy. Is the amendment seconded? **[Seconded]** Does any Member wish to speak on the amendment?

1.4.2 Deputy E. Millar:

As Deputy Mézec indicated, I oppose this amendment and I ask Members to reject it. This may seem like an odd position for me to take. As Deputy Mézec suggested, what is the prejudice to the fund by increasing contributions into them? Why not take more money into the funds? There are 2 main reasons: firstly, because we do not need the funds now and this is simply taxing high-earning businesses and people for no other reason than the fact that they are high-earning. This is driven

purely by point of political principle. Deputy Mézec has also suggested that we can use the increased contributions to meet other costs. This is incorrect for the reason that both the Social Security Fund and the Long-Term Care Fund are hypothecated funds and we can only use those contributions for the purposes of paying social security pensions and benefits and long-term care benefits. I accept that the position with social security is slightly more complex than long-term care but that is the broad general position. Would the Assembly be happy to vote to take money from either of those funds to support the General Reserve or to meet other costs, as opposed to reserving them for the purposes for which they were originally intended? On the basis of our discussion yesterday about the H.I.F. (Health Insurance Fund) that seems unlikely. This amendment seeks to move the upper earnings limit from both a social security scheme and the long-term care scheme. However, if the intention is to ask higher earners to pay more it does not work as effectively as Deputy Mézec suggests. If you look at the social security scheme the upper earnings limit does not apply to high-earning employees. Social security contributions paid by all employees are capped at just over £60,000 a year. This means that any employee pays no more than £3,643 per year in contributions, whatever their total wage is. This amendment does nothing to address that issue. Contributions at the upper earnings limit are only paid by businesses and this relates to both employers and self-employed individuals. Removing this cap now would increase the tax burden on businesses at a difficult economic time. An employer paying contributions at the maximum amount will be paying £9,350 in 2023. Jersey Finance, who have written to oppose this amendment and they have written to Deputy Mézec with their concerns, suggest that amount is more like £12,000. A self-employed person who pays both the employee and employer elements will be paying just shy of £13,000 a year; that is in addition to any taxes they may pay. Many of the businesses with high-earning employees and the employees themselves are internationally mobile and unlimited contributions could result in the loss of business from Jersey. Why would a business ask an employee to come to Jersey if it is cheaper to locate them in another jurisdiction? Would this unlimited contribution attract the kind of entrepreneurship that we want and need in the Island? The overall loss of government revenue in this situation could be significant; income tax, social security and G.S.T. (goods and services tax) all moving to a different jurisdiction, quite aside from the wider economic benefits that the business and that employee may bring to the Island. As Deputy Mézec has said, contributions at this level have already increased significantly since 2020. The upper earnings limit was increased from £176,000 to £276,000 a year and the contribution rate at this level was increased from 2 per cent to 2.5 per cent. I understand that a proposition was brought to the States to increase the long-term care contribution to 2 per cent but the States Assembly only increased the contribution of 1.5 per cent. The changes to social security doubled the maximum social security contribution paid at this level. That extra income was used to support the expansion of parental benefits. Deputy Mézec has not suggested any specific proposal to use any additional income raised under his proposal. I find it difficult to condone the use of the powers of this Assembly to raise money from local businesses when there is no need for Government to collect this additional revenue for a specific identified purpose. There is no justification or need to increase or remove the upper earnings limit now. Deputy Mézec's forecast in income suggests that we would raise an extra £7 million in social security contributions and £6.5 million from long-term care contributions. Those monies, the £7 million from social security, would come in respect of 600 employed and self-employed people. The long-term care contributions will come from 920 individuals, who are also part, I expect, of the 600 who will be paying additional social security. Do we really think it is fair to put 600 people to that additional burden just because they happen to be doing well out of a working-age population of, what, some 50,000 people? I think fairness has to cut both ways. In any event, the Social Security Fund is in a robust state, it is very healthy. The Social Security Reserve Fund has a balance of some £2 billion. An actuary review is currently underway and I will be able to publish the report of the actuaries in quarter 2 of 2023 in respect of both funds.

[11:45]

That review will tell us about the long-term health of the funds and what we need to do to maintain them at a level that is sufficient to meet our obligations. Any decision to change contribution rates and limits - and this is also the advice of the Fiscal Policy Panel - should only be taken after the actuary reviews have been obtained in the second quarter of 2023. In his report the Deputy has also suggested that the Government's response to the cost-of-living crisis has included direct payments from the Social Security Fund; that is not correct. All of the direct payments made to support Islanders at this difficult time have been funded from the central Consolidated Fund. We have not paid more out of the fund to address the cost-of-living crisis. As I have also explained, a review of our benefits landscape and in particular the Long-Term Care Fund and its operation is one of my priorities for next year. That will consider, in particular, how that impacts the domiciliary care market where there are known tensions and the scheme has evolved as that industry has evolved, and it is now really in need to review to see how it operates. Those reviews may well identify areas where we would like to expand the scope or value of certain benefits or amend the criteria so that more people qualify for them. For example, increasing the Pension Plus scheme for low-income pensioners. It may be that we already have the funds to do that, but without the actuarial report we cannot make any reasoned decisions about benefits and how we can sustain them in the long term. We also need to consider carefully when we have the actuarial review the impact on the funds of our ageing population, and that may require contributions to be increased. It may very well do that but we have to do it on an informed basis with actuarial advice. Any discussion about that is premature. This amendment is, I suggest, poorly timed and achieves little real purpose other than satisfying a demand and desire that some businesses and individuals pay more tax as nothing more than a matter of political principle. I urge Members to reject the amendment.

1.4.3 Deputy S.M. Ahier of St. Helier North:

This amendment is virtually identical to the twelfth amendment to the previous Government Plan brought one year ago by the same proposer, which was titled "Social Security Caps". In this current iteration it has been entitled "Removing the Upper Earnings Caps", but of course it is, to all intents and purpose, an identical proposition. During that debate I mentioned that it was unfortunate that the amendment had not been divided into 2 parts and Senator Pallett concurred when he said: "It would have been good, I think, to potentially split the amendment." It is important that all Members understand that they are being asked to support 2 totally different things in this amendment; one being a contribution and one being a tax. If one has sympathy for either part, it does not necessarily mean that they should vote for the whole. We must also consider the issue of competitiveness. It is perfectly possible that some high earning individuals may relocate to Guernsey or to the Isle of Man and if this were to be the case we would lose all their contributions in tax, not just the excess which would be imposed on them if this amendment is passed. We may also lose some mobile businesses that can relocate to different jurisdictions with ease. We must remember that the upper earnings limit goes up each year in line with the increase in average earnings anyway. There have been some concerns about the viability of the Long-Term Care Scheme. This in part was due to the actuarial review which was presented to the States in October of 2018. That document stated that the fund balance is estimated to reduce to around 3 months' worth of fund expenditure by 2023 and to nil by 2027. This, of course, is clearly not the case today. There is a healthy balance in the fund of around £45 million, which is expected to rise to £82 million by the end of this Government Plan in 2026. There is no desperate need for any immediate action to increase the revenue to the fund. The current long-term care tax is, in itself, fair. People who are on the standard rate of tax pay 1.5 per cent long-term care tax, whereas the rest pay only 0.75 per cent. It seems reasonable for us to await next year's actuarial review of the long-term care scheme before we consider taking such drastic action as is proposed here today.

1.4.4 Deputy M.B. Andrews of St. Helier North:

I think Deputy Mézec has raised a very valid point. It is something that has been mentioned over previous years about the social security contributions cap. What we are looking at here are high earners. They have a large net income in terms of the mandatory contributions that they do provide to the States and it also allows them the ability to have a procurement of savings but also the ability to invest and to consume as well. All we are looking to do is we are looking to increase the fund balance to maintain the fund balance and, of course, when we are looking at the projections, it was mentioned in the July report of the Fiscal Policy Panel that the fund itself will be exhausted potentially by 2067. That is on the basis that we have net inward migration of 325 people. Also, we have an ageing population, more and more people will need transfer payments and there will be a more finite pool of people. Because, of course, Jersey is a jurisdiction where we are very much reliant upon the economically active to contribute: social security, personal income taxation and also a look at consumption taxes such as G.S.T. We do not really have a broad tax base in terms of revenue but we are really speaking about here is funding the needs of Islanders. There is going to be a greater need year on year. Absolutely I will be supporting Deputy Mézec, I think it absolutely is essential that we have something now in place because if we do not see this additional income it means problems will arise and they will arise much sooner because there is £13.5 million of additional income we are speaking about here. I think that is important to mention. How much income could potentially be lost over the next 10 years if this does not happen. What about in 20 years, or 30 years. It will be for future States Assemblies that have to resolve these problems. For us, yes, we are very much aware that the Social Security Fund is in a disposition but it is for 4 years that we are having to deal with this kind of situation and it will be for a new Assembly to inherit the same problem, and it will just be passed down from Assembly to Assembly to Assembly. What we do need to see is some form of continuity. By aiming to increase the fund balance and also to ensure that our approach is that we are targeting transfer payments, it is not going to be too broad, we have to be more specific potentially in terms of who is entitled to transfer payments. The concern I have is if this is not approved could we be seeing potential projections where problems end up coming sooner rather than later. How do we then react to that, because that is also another scenario as well. Things might happen before 2067, and that is what the Council of Ministers have to recognise because if they do not then we seriously will have some serious problems. As I say, this is something that is a regressive form of taxation. Those who have higher incomes, have higher net income compared to those who are part of a lower decile, the middle man and the middle woman, they need to be protected too. I do not think we have been doing a good enough job. I think in fact actually it has got worse. Unfortunately, there seems to be a majority in this Assembly who want to maintain that. That is very much regrettable. However, you have to be true to yourself. For me, I will be supporting Deputy Mézec and I hope other Members will join me in supporting Deputy Mézec, so thank you.

1.4.5 Deputy M. Tadier:

I think along similar lines to Deputy Andrews. The expression that comes to mind when we are faced with the argument from the Minister for Social Security that we do not need the money at the moment in the fund is make hay while the sun shines. You do not need to wait until you are desperate from a fund being depleted in order to find a way to top that up. We have learned that over the years from the Strategic Reserve. You put money into it when you do not necessarily need it for the times when you did need it because if you need to start scrambling around for money you already have the beginnings of a problem and possibly a crisis by the time you get to that point. I just wanted to make one or maybe 2 points because I think the opening speech by Deputy Mézec was very clear and compelling. This is not just a revenue raising exercise. It does do that and, if we have learnt one thing in this Assembly, we are faced with the question of: "You want to spend the money but where is it coming from?" albeit that this will go into a designated fund for designated purposes, that is not contested but it is also one about basic fairness. This is a very modest amendment because what it is asking to do is scrap the cap but the contributions are still not the same, the rich still get a better preferential rate. It is 2 per cent rather than 6.5 per cent. If we are looking at supporting businesses,

let us also look at what we are often told, quite correctly, are the backbone of the economy, which is small and medium businesses. If a particular business - let us just choose a figure - has a £1 million payroll bill for all of its staff but all of those staff happen to be employed on more modest earnings, so they are lower earners who may be getting £30,000, £40,000, £50,000 each a year, they will pay the full whack of contributions. So they have to pay 6.5 per cent on the whole of that £1 million bill, whereas if you have a particularly different business model, maybe one that is more lucrative, in fact, and needs fewer employees but at a much higher rate, so if you have the £1 million tax payroll bill, it could be £10 million or £100 million, the proportion of social security you will be liable on will be much lower. Let us say theoretically you only had 2 employees each getting £500,000 each, the amount that they will have to pay, even after we have scrapped the cap, will still be a lot less than it would be for that small and medium business, which is keeping many more people in work. For me that is another point of the added fairness of this argument. Why is it that a business with exactly the same payroll outgoings, one business has to pay a much higher rate than another business which might have exactly the same payroll demands but paying much lower rates of social security. I think that is what really puts it in perspective for me. This is why I think it is the right policy to pursue and why I think we should grasp the nettle today rather than waiting for a time where we do need to desperately get funds into the Social Security Fund in the future.

1.4.6 Deputy P.F.C. Ozouf:

A number of Members have spoken about the sun is shining. Other Members have said in previous debates on such matters that if quacks and it waddles it is a duck. Of course, as the Minister for Social Security has said, this is not a tax in terms of social security. The Long-Term Care Scheme that was brought in by me after the then Minister for Social Security gave the challenge to the Treasury to collect the long-term care charge, was carefully brought in as a charge but it is based upon the income tax arrangements because they have an income tax free limit. It was the courageous and long-sighted decisions of a former Senator, Chief Minister, Minister for Treasury and Resources Le Sueur, as president of the Social Security Committee, who forecast the ageing society, consulted and put forward increases into the social security employer and employee rates. That ensured that we have what is effectively, as I am told, a world-class funded Social Security Fund because of that prudent approach to ensure that we have the necessary resources to pay for pensions and the other contributory benefits that arise from this fund.

[12:00]

This is not a tax, it does not quack or waddle like a tax, it is a contributory benefit. What concerns me in relation to this proposition is that unless I am ... and I look across to the Minister for Treasury and Resources for guidance, if the Assembly passes this, this would be something that would come in in 2023. In other words ... if I could just give way just for that avoidance of doubt, because I do not think this is absolutely clear. I just want to make sure of when this would come into effect because the budget allocation that we are debating is for extra revenue in 2023. That must mean that the contributory benefits would come in ... would need to be made ... I give way to the ...

The Bailiff:

I am not sure that you can invite questions from other Members. You are inviting to ask you to give way seems to me a ...

Deputy P.F.C. Ozouf:

I will ask the Chair then.

The Bailiff:

I beg your pardon, Deputy, if I could just finish. I do not think it is a legitimate use of Standing Orders effectively to invite in a speech someone to ask you to give way because we could end up in those circumstances with exchanges between everybody on the same side asking very much: "After

you”, “No, after you”, “No, after you”, “No, after you” and we would end up in quite a mess. There has to be a legitimate request for clarification originating from the person seeking clarification and not otherwise. The answer is I will not permit any point of clarification on this particular issue at this particular moment. Deputy Gorst is able to speak, he has not yet spoken.

Deputy P.F.C. Ozouf:

Okay, there are no law officers here for me to ask or to seek clarification so that is what I was trying to do. Maybe there is a law officer that could attend in order for me to clarify exactly my understanding of what the amendment actually means. My understanding of this amendment ...

The Bailiff:

Sorry, I will interrupt you again. The Attorney General is online if you wish to make a question of the Attorney you are able to ask it.

Deputy P.F.C. Ozouf:

That is helpful as I cannot see him. I just would like to clarify, if I may politely, and I take your ruling completely, I just want to make sure that Members are quite clear about the implications of the debate. The amendment that is before Members puts allocations in for 2023, so am I correct in assuming that the legal effect of this is that the contribution rates would need to go up in 2023?

The Bailiff:

That is a question for the Attorney?

Deputy P.F.C. Ozouf:

Outwith anybody else trying to help me with that. I would be grateful for the clarification of that. It is a quite important point that I was coming to in my speech.

The Bailiff:

Mr. Attorney, are you able to assist?

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

Insofar as it a question of law I will do my best obviously, but I will need some time to think about it. It may be a question of practice, which Treasury officials may be better placed to answer. It may be that Treasury officials are listening in and may be able to assist the Minister for Treasury and Resources, if and when he speaks. Obviously, I will do my best to consider it.

The Bailiff:

Let us pause for a second, there are others wishing to speak and we will see where we get to.

Deputy I.J. Gorst:

May I ask a question of the Attorney General, which hopefully his answer will be helpful. As the mover of the amendment knows from the drafting of the amendment, page 2, paragraph (i) will need to be changed with this amendment should Members vote for it and it says at the end “respectively by the end of 2023”. I wonder whether the Attorney General could help us then as a matter of law, if the amendment says by the end of 2023 that would mean that the law had to be changed and revenue had to be collected during 2023 in order to meet that “by the end of 2023”?

The Attorney General:

I will consider that but I just need a little bit of time.

The Bailiff:

Mr. Attorney, I think I can assist because the construction of what the proposition means is a matter for the Chair rather than a matter of strict law. Not at all, it is a matter for the Chair and it does seem to me to be fairly clear on its surface that this must be achieved so that it can be given effect by the end of 2023. Whatever has to flow in order to do that, that is what passing this amendment will require.

Deputy M. Tadier:

Point of order. Sir, I know you are being generous in this exchange, this seems that it is bordering very close to an abuse of process. We have essentially the Attorney General being dragged into what is effectively a political question about consequences. I know it is grey and I also note that the clock has been stopped, which is probably correct. These are 2 Ministers we are dealing with here who work together closely and it seems to me the correct process should have been to wait for Deputy Gorst to speak.

The Bailiff:

I understand the point, Deputy. It is my job obviously to ensure, as far as I am able, in an imperfect way I am sure, that Standing Orders are met, which is why I did not agree to an invitation for a point of clarification, nor having heard the question did it seem to me to be a matter for the Attorney General because it is a matter of simple construction of the meaning of the proposition itself. That is always a matter for the Chair, unless it raises some complex legal point that needs to be reflected upon by a law officer, and I do not think it does in these circumstances. I take the point and I think we have reached a point of resolution on this particular issue. If you would like to continue, Deputy.

Deputy P.F.C. Ozouf:

I am grateful. The issue that I have as a Member is that the amendment is not explicit, it increases the closing balance of the fund and the presumption therefore must mean that the increases in the upper earnings limit has to happen early in 2023 in order to effectuate those additional funds, which are funds that are being before the Assembly. My point is that I just wanted to put beyond doubt that I would be addressing this amendment as an amendment that would be necessary to make an immediate change in 2023, i.e. from contributions from January in order to meet the budgetary allocations. I was not clear about it because it was not explicit but I think it is quite clear from your helpful guidance that it is the case, and so I am working on the basis that this is an upper ceilings increase that must happen as soon as practical but within 2023. We have heard from the Minister for Social Security about the fund, about the actuarial review of the fund, that is going to be important to make decisions about whether or not those early decisions made by this Assembly on the application of the then president of Social Security, former Senator Le Sueur, were sufficient. I would repeat again that the Social Security Fund is unlike ... I have heard that we almost ... it is not a pay as you go fund, it has a bigger fund than virtually anywhere else because this Assembly has been so far-sighted in the forecasting, in the foreseeing of an ageing population. It is the contributory benefits ... because it is not a tax, because it does not take money, you get benefits from it from pensions, from other benefits that you get. Those are for average income issues. If you want to put in higher rates of tax, which I know Reform brought forward as a manifesto commitment, then you would do that by effectively bringing in a higher rate of tax. What you cannot do is you cannot basically use a contributory fund to raise a disproportionate amount when the purposes ... we have been through the H.I.F. yesterday, where the whole purposes of the scheme are for raising money for the purposes in which it is set up to do, which is to pay pensions, which is to pay income support. Now, you do not get a higher pension because you earn more money. It is a pension for everybody based upon your contributions. I am afraid this does not pass the test of what the purpose of the Social Security Fund arrangements are and this Assembly will make further changes. The Assembly has considered increases above the cap previously and accepted them but this is a much bigger jump than ever. It is abolishing the upper earnings contribution, it is not a carefully ... and I know previous

Governments have increased that but that has been based upon evidence. It has also been based on consultation. When you are effectively taking money out of people's pockets, whoever they are, when you are requiring them to pay a contributory benefit, you should do so after due consultation, based upon facts. We do not have an actuarial review, we have not consulted on it and now, as I had sought to raise in my rather uncomfortable ... and sorry if I erred in Standing Orders, Sir, I apologise for that, I just wanted to make sure I was absolutely clear. The fact is that this is a decision going to be made by the States without the actuarial review and it looks as though, from what I have heard, that it is going to have to happen straight away. I just think that is all completely wrong. It fails all of our requirements to consult properly with persons that are affected. We are going to be coming on to talk about 2(1)(e)s later. There has been a consultation within that limited group of people which means that the Council of Ministers can move forward with it. This is a wide spectrum of people who, as other Members have said, have choices. This would make us ... and I wear my hat as the Minister for Financial Services with Deputy Gorst, we would be extremely concerned on the competitiveness of this. Reform Members may huff and puff but I am afraid to say that this is important. There is mobile business. The sun is not shining out there in terms of the economy, it is far from shining. It is really difficult. Wearing my External Relations hat, I am busy trying to get more business in Jersey, trying to get business from different jurisdictions in order to say that Jersey is a good place to do business with sound money, sound finance and stability. You just cannot do this sort of thing, you just cannot make decisions on the hoof like this to do it. It may well be a manifesto commitment of Reform, which I totally respect, absolutely understand that they would be doing it but it is not government policy, not been consulted upon and it will have a very competitively negative outturn from our ability to send out the clear message of certainty, stability, sound finances, giving people due notice, all of these things fail in this proposition, every one of them and it certainly will be difficult for the Minister for External Relations and Financial Services to send out a clear message of stability and certainty. Deputy Mézec laughs, I do not. I am doing it day in, day out in relation to trade deals, into the C.P.T.P.P (Comprehensive and Progressive Agreement for Trans-Pacific Partnership), trying to get agreement extending the Japan trade services deal, the G.C.C. (Gulf Co-operation Council) trade services deal, favouring Jersey to get our economy in good shape so that we have more money in our coffers, more people with higher paid jobs paying taxes and contributing to our economy, to improve all the things that we are here to improve. Economic growth is where you get the resources from to improve our public services. It is a strong economy that delivers that. Sending out messages of uncertainty, of not consulting, of just making decisions on the hoof is the wrong message. We have a message and reputation to stability, of certainty, sound money, sound decision-making, proper decision-making, consulting. This fails all of those tests of doing it. I respect Reform's manifesto commitment but this is not a tax, it is a contributory benefit. The money that comes into this goes into a scheme for the purposes of paying pensions and other benefits that you get because you contribute to them. Simply shifting and saying that you are going to get all this additional money outwith a decision of this States, which has not been made, that you are going to change the historic and agreed funding mechanisms for social security. We would need to change all of that before we start turning it into a redistributed tax. It is the wrong way to do it. I am sorry I have gone over my self-limited 10-minute speech limit but I feel very strongly about this.

[12:15]

That it fails all the tests of proper decision-making and proper ways of doing things. Frankly, since standing and realising this thing is going to have to come in in the early part of 2023, that horrifies me even more. I urge Members, with the greatest respect, we need to do a review of our long-term care scheme, we do a review of our H.I.F., we need to do a review, as the Minister has said, of the social security and the long-term viability of that scheme, we know we have an ageing society, already in a good place, let us get on with that and not make decisions on the hoof and let us bring this matter and this debate to an end quickly. We simply should not and must not do this. I urge Members to send a very clear message: "No." Please do not vote for this amendment.

Deputy S.Y. Mézec:

May I ask something of the Attorney General if that is okay? It arises from something that Deputy Ozouf said on more than one occasion when he referred to these as not being taxes. I seem to recall the previous Attorney General providing helpful advice on that question in relation to the long-term care contribution in a previous debate. That being a contribution charged on taxable income collected alongside the income tax by the Tax Department. Could the Attorney General just clarify under the legal definition whether the long-term care contribution is in fact a tax?

The Bailiff:

Mr. Attorney, are you able to assist or do you need some time to consider that?

The Attorney General:

I will make some initial comments and if there are further questions I would need more time. The advice previously given that I think the Deputy is referring to concerning the Long-Term Care Scheme, was in relation to a debate concerning the hospital and the borrowing limits in the previous iteration of the Public Finances Law, because that law had some borrowing limits and those limits were relevant for the purposes of considering the borrowing for the purposes of building the hospital at that particular time. The advice that I gave concerning the long-term care scheme was that for the purposes of those particular limits in the then version of the Public Finances Law that I considered that the long-term care scheme was effectively a tax, but that was for the purposes of the particular provisions of the borrowing limits in the previous version of the Public Finances Law. There is a difference between social security contributions and taxes. Social security contributions are charges but for the purposes of the long-term care contributions my advice in relation to that previous debate, the previous version of the Public Finances Law was that I considered it was effectively a tax for the purposes only of the then version of that law. Insofar as I have to consider whether it is a tax more generally for the purposes of this particular debate, I would need much more time to consider that.

Deputy P.F.C. Ozouf:

Supplemental please? Could I just kindly ask the Attorney General if he would confirm that long-term care charges cannot be a taxation draft as per the Public Finances Law, so could not be brought in if this amendment were to be passed? We cannot bring it into the Public Finances Law, which we are considering the legislation afterwards. I do not ask him to do that now but so that we are aware. If he could just confirm that we could not change the Public Finances Law to change these things because it is not a tax in relation to a taxation draft. Social security fall under a different law and could not therefore be used with the finance law before the States, which would have to be amended if this amendment went through and it could not be brought in with the *acte opératoire* and bring forward with immediate effect. Perhaps he could just consider that and if we do pass this amendment we would just be able to understand exactly what the legal effect is and how this will be brought in legally. I would be grateful if he could consider that.

The Bailiff:

Mr. Attorney, I am sure you would like a little bit of time to reflect on that. Are you clear on the questions?

The Attorney General:

There were a lot of questions there. A lot of questions. I think there was one question concerning change in the Public Finances Law, clearly, yes, that could not be part of an *acte opératoire* because amending the Public Finances Law is not to do with raising taxes. Clearly that could not form part of an *acte opératoire*. In terms of income tax, and I think social security, then that can form part of an *acte opératoire*. Is that a sufficient answer for the Deputy for the present?

Deputy P.F.C. Ozouf:

Yes, I am most grateful. I think the point is that social security contributions cannot be done by way of that but he has answered the question.

The Bailiff:

The Attorney has given his advice.

1.4.7 Deputy L.V. Feltham:

I am not quite sure how to follow that last speaker but I will try and be succinct and quick. One of the points I wanted to raise, and what actually caused me to turn on my light, was the detail of proposition that I think Deputy Ozouf missed when he tried to question the Minister for Treasury and Resources and the Attorney General. What the wording of the proposition is, is that it would be the estimates of the balance of relevant funds that would be changed. There are many estimates within the Government Plan and we already know that many of those estimates are likely to be incorrect by the end of 2023 because of the volatility of the markets, the likelihood that some income may be increased into Government. I think that is somewhat of a red herring and we should not be swayed by that. The important part of the proposition is that we are agreeing that the caps should be scrapped. That is the political decision that we are making and we should not be swayed by rhetoric like that. I quite surprised when the Minister for Social Security talked about ... I do not think she used the word “unfair” and I do not want to quote her incorrectly but putting a burden on very few people. We are in the middle of a cost-of-living crisis and there are very many people who are paying the full rates of social security and long-term care contributions on very low salaries. I do not think that increasing the contributions for the people that we are talking about here is going to put them, in any stretch of the imagination, into financial strife, whereas the Minister for Social Security seems to think it is okay that people that are earning far less, that are struggling, should be paying a higher percentage of their incomes. Another point raised by an Assistant Minister, Deputy Ahier. He asked about whether Deputy Mézec could have taken the amendment in parts. That is a conversation I had with Deputy Mézec as well. I sought clarification from Deputy Mézec as to why that could not be done and it could not be done because the way the law is written and the 2 are together within that law. That is my understanding is that it cannot be taken in parts, and I will leave that to Deputy Mézec when he sums up to clarify as well. I would also like to say, just following on from the last speaker, I am quite surprised that these questions are being asked by Ministers of the Attorney General at this point in time. Let us keep in mind that the Council of Ministers have had the opportunity to put in comments on this amendment. I would have thought that Ministers would have sought any appropriate or necessary advice prior to putting in those comments and, to be quite honest, having these types of questions being asked at this stage in the game I find very disappointing. I encourage Members to support this amendment.

1.4.8 Deputy G.P. Southern of St. Helier Central:

Just briefly, the previous speaker, Deputy Ozouf, said that the sun is not shining out there. I have news for him, when interest rates go up the sun in our financial sector starts to shine. It just peeks from behind the clouds and we start to make profits from our finance industry. The sun actually has just started to shine out there and we are likely to make money from that. Secondly, the Member seemed to consider that somehow current pension contributions paid for your actual individual pensions. Of course it does not. Your contributions today pay for other people’s pensions today. That is the whole point of being in a large-scale scheme to be able to manage that sort of benefits for our workforce. I remind him that that is the case and it is not an individual private pension, it is a collective pension, which is why it is there.

1.4.9 Deputy H. Jeune of St. John, St. Lawrence and Trinity:

I was extremely undecided coming into this debate because as someone who has been campaigning for inequality for many years this proposal seems to sit very well with me and something that I wanted

to support. But as I am hearing the debate and heard the Minister for Social Security, I have to take some consideration and step back on that and say ... I absolutely support this proposal but my concern is the timing and also my concern is that we heard from the Minister about the review of this scheme that will be coming in 2023. For me I think that is when we should be looking at reviewing this kind of cap and I will be pushing that as well within the review and within the areas that I can. Therefore, I think I will not be supporting this proposal but would like to put on record that I think that it is extremely important to look that there is not a cap in the future. Part of this review from the Minister for Social Security looks into not capping because it is about fairness and it is really important that we do have more progressive taxes in the future, but I see that this will cause a lot of problems in 2023 and this needs to be taken in a longer-term process.

1.4.10 Deputy I.J. Gorst:

We do not get everything right in our Island community but sometimes we get things spectacularly right. As Deputy Southern just reminded us, the way that we have organised the Social Security Fund is one of those things that we should be proud of.

[12:30]

Because not only are current contributors paying for the current benefit recipients, that is people receiving their old-age pension, they are also putting money aside, depending who they are, month by month or quarter by quarter or 6 month by 6 month, into the Social Security Fund, which stands now at over £2 billion. Rather than, as Deputy Andrews is, worrying about the fact that if there were no further contributions or contributions were never raised in the future, oh dear, we would only have a fund that lasted us until 2067. I cannot think of very many countries or jurisdictions around the globe that can stand up and say they have a reserve fund that could pay benefit recipients, that is the old age pension, until 2067. It is something that we should congratulate our predecessors; we do not take glory for it ourselves, it is our predecessors who made prudent decisions informed by the latest actuarial analysis of the fund. The Minister has reminded us that she has an actuarial review obviously coming towards completion because it is due to be published in the second quarter of next year and that will, my understanding is, be a publication date much quicker than previously, which will allow the Minister to make recommendations, if any are necessary, to this Assembly to ensure that that fund is sustainable and is at the appropriate level for the ageing population. Deputy Mézec is quite right, and Deputy Ahier reminded us, that he and his party in their manifesto have a commitment to remove the social security caps. He is asking this Assembly, as he reminded us, to simply today make that decision to remove the caps. That is a perfectly appropriate political decision for the Deputy to ask us to make. I would suggest if we did just make that decision today outwith the actuarial review, outwith the latest position on the fund, which we know is affected not only by interest rates but by bond rates and they will have changed quite considerably because of the market conditions and the economic conditions that we find ourselves in. It is still going to be incredibly healthy, we know that. The only argument that Deputy Mézec put to us for not waiting for that actuarial review was because it is such a vibrant fund that, of course, it is a sensible thing to put more money in it. That was, if I understand it, and he will challenge me again later if that is not the case. That argument, of course, runs counter to the independent economic advice that we get from the F.P.P. (Fiscal Policy Panel), that you should not be taking more money out of the economy via tax and contributions at this time without good reason that you are going to spend that money on. That is not what this amendment is all about. It is, as the wording says, and here I was a little bit surprised by Deputy Feltham because normally it is the other way around, she has a great eye for detail but she, in her comments, was suggesting that because the funds are only estimated, and of course they can only be estimated at year end because they are impacted by market conditions that we should not consider what is written in black and white. In black and white this amendment will require the Minister for Social Security to return to this Assembly in very early order to remove the caps on both of those 2 funds so that those estimates, which will be estimates ... so that we will have acted upon

what this amendment in black and white tells Ministers to do. The other point I wanted to just pick up on from ... or the other argument that Deputy Mézec made in relation to the Long-Term Care Fund, we have to remind ourselves I have just been talking there about the Pension Fund, that is the fund that pays for Islanders' old age pension. He also removes the cap from the Long-Term Care Fund. By convention those 2 have always been held together. My understanding is that they do not need to be held together but they have been done by convention. That by raising the cap on the Long-Term Care Fund his number shows that it would increase contributions into the fund, I think it was, by £6.5 million and his argument there is that that would then put off the need for a rise in due course of the Long-Term Care Fund. The cap rate is £6.5 million pounds. Members might take the view that is not to be sniffed at but a 1 per cent increase in the long-term care contribution rate is £20 million. So even if we go back to the contribution level needs to raise in due course, and again the Minister for Social Security does her actuarial reviews and that informs any decision-making that is needed around the Long-Term Care Fund. But raising the cap does not mean that the contribution rate would not need to be raised because a 1 per cent raise is £20 million. The reality is that by taking the cap away then you are changing what is the 20 per cent tax rate because of the way that it is calculated and the way that it is charged through the taxation system, and you will be doing that without any consultation at all or waiting for the actuarial review. I argue and believe very strongly that even if Members do want to, in due course, raise that cap, just doing it off the back of an amendment in the Government Plan without all of the appropriate consultation ... because let us remind ourselves that we are seeking to enhance ourselves as a jurisdiction of substance, that means when businesses come here we say to them: "Bring your very best people." Very best people by very nature sometimes are higher earners. "Bring your very best people and this is the certainty of the tax system that we provide, and by the way any changes to our system that might impact you, we have proper consultation and legislative and governmental processes before we go through changes." It is very important that we are able to maintain that as we seek to become and continue to a jurisdiction of substance. I am mindful of the clock. I really do ask Members who even in principle might agree with the raising of the cap that this approach is not the right approach to take. We should walk in the footsteps of our wise forefathers who made planned, appropriate and long-term decisions. With the best will in the world this cannot be described as that and I really do urge Members not to support this amendment for all of those reasons that I have outlined. I suggest that rather than simply or ultimately raising money, it would send a shockwave through the business. We are talking about businesses that are going to be paying this, not individuals. We are talking about ... it is ever so slightly frustrating when the mover of the proposition shakes his head when it is quite clear that it is businesses that are paying this contribution on behalf of their employees, because that is how it is currently structured, unless he is proposing some other amendment as well. I would much rather propose that we wait for the Minister for Social Security's review and make decisions in light of that with appropriate order.

1.4.11 Deputy R.J. Ward:

I will try and be brief. I will let Deputy Mézec deal with the issue of business and so on. Hopefully when he does that there will be more Members in here to actually listen directly to what is being said because we seem to have had an exodus, particularly from the Government, of people to listen to this argument. It would be good so they can clear that up and we can have a debate on what is going on. Let us talk about consultation. Let us consult with people and say: "Do you want to pay more tax?" Funnily enough - or more charge, call it what you want - the answer will be from those few people probably: "No, I do not want to" and that is fine. We will consult as we would do all the time and not only will we consult on that, we will do that from a position of a review led by the Minister for Social Security, who made it clear that she simply does not agree with the principle of this. So a review led by a Minister that simply does not agree with the principle of making this change is going to be a very open view, I am sure. Yes, it is a manifesto pledge. We were elected on it. It is the right thing to do. I would say to those people who are concerned and saying: "Yes, this is fairness, paying

the same tax rate” and those who are the very wealthiest on our Island that have made the very most of the opportunities to make money on the Island we are asking to pay the same level of these 2 charges, call them what you will, as everybody else. That cap is removed. That is fairer, that is broader, that is a broad taxation system because if you do not do that, if you have a cap, the further you get away from that cap the narrower that charge is. So what happens is it seems to me we can have broader until it does not fit and we have to protect those that we want to protect from any sort of income charge increase. That is the issue that we have here. It is not about jam tomorrow, is it, it is about fairness tomorrow. We want fairness but we will do it tomorrow. We heard this in the last Government, did we not? The last so-called very different Government. We will reduce income inequality but we will do it tomorrow. We will do it at the right time. Now is not the time, now is never the time. It is fairness tomorrow. It is reducing income inequality tomorrow and that is what we are seeing again and that is what we are hearing again. There is a principle here. If you believe that the principle of fair taxation is an important one, of fair payments to our community is an important one, you have an opportunity to do this here. This is revenue raising. This is us being fiscally prudent and saying: “Let us raise some revenue to pay for things long term.” Now, we can give tax breaks as we did the other day. We do not know how much the rent-a-room tax break will be because there is no calculation of it. We just said: “Yes, we will do it and we will just have an open cheque to do that.” That is not responsible because there is no revenue raising to pay for that. This seems like a good idea, we will do it, no safeguards, no protections, do not worry about that, no standards but we will do it anyway and we will spend that money. Then as soon as we bring something that was an election promise, that was talked about on the doorstep, that we were elected on, this Assembly, or some of it anyway, seems to immediately object and come up with the same officer written arguments that we have heard so many times before. Some officers do not want the same things and the Ministers will bring that to the Assembly. This is not a changing Assembly when we do that, this is exactly the same. This is more of the same Assembly as last time that will object to things not because they want to keep to their principles but because they cannot listen to the convoluted and disjointed arguments and the fearmongering. I say this, there is more to living here in Jersey than simply those people that want to drain us of cash. It is a beautiful place. We have seen our community recently, that is why it is a wonderful place to be. That is what attracts people to stay here, the safety and so many other elements. Those people who are running companies here ... and I will let Deputy Mézec deal with the business issue because I know how annoyed he is by it and I would urge him to stay calm and give the argument clearly. But the fearmongering that everybody is going to leave and go to another jurisdiction, where? Where? Where would they get a better tax break than in Jersey? Where will they get a safer community than in Jersey? Where will they get better links to Europe than in Jersey? Where will they get better links to the U.K. than in Jersey? Where will they get better healthcare than in Jersey that they have to pay for through the nose? Stop doing Jersey down when you have these arguments. This is an opportunity for you to put that fairness at the forefront of what we are talking about and I urge Members to take that opportunity this time.

1.4.12 Deputy L.M.C. Doublet of St. Saviour:

I am really struggling with this one. I think I had very similar thoughts on it to Deputy Jeune and the inequality really concerns me.

[12:45]

In principle, and I have stated this in manifestos in the past, I do not agree with regressive taxation methods and I do think we should be moving towards progressive taxation. I cannot vote against this because my principles align with it, yet I am really struggling to be able to vote for it because of some of the arguments laid out. I do not like abstaining but at the moment I feel like that is my only option. I am going to listen to the summing-up speech. I did just want to let Members know what my thinking was on this. If this is not approved I do want to see the Government discussing this and I want to see evidence that it will be discussed and considered. I think it will be. I do have confidence that it will

be, even if it does not pass. I think even if it does not pass I thank the proposer for bringing this because it is an important principle. Again, I do agree with it and I want to see it in future.

The Bailiff:

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

1.4.13 Deputy S.Y. Mézec:

I will start by trying to convince Deputy Jeune and Deputy Doublet to vote for this. I will try to put it in as simple terms as I possibly can, which is that if you do not vote for it it does not happen. It is as simple as this. This Assembly will have to vote for this change to happen if we want it to happen and if you do want it to happen and you do not vote for it you cannot be surprised when it does not happen. Deputy Jeune spoke about the timing of this being her reason to not vote for it. The time does not come if you do not vote for it. I have something to break to her, which is that the review that is coming is not going to conclude that it wants to get rid of the cap and we have the evidence of that before us. That evidence is Deputy Ozouf, Deputy Millar and Deputy Gorst. They do not agree with the principle of this, they are not going to propose it. The only way that their view can be overridden is with a democratic majority in this Assembly's name. That is your view but ours is different, we do want to go ahead with it. It can only be achieved by voting in favour of it and waiting for another day, I am sorry to say, is futile because those in charge of that review are against it on principle. To vote with them you are voting with people whose principles are different to yours and I personally do not recommend that. Speaking of difference of principles, I want to have on record as clear as I possibly can that the definition of fairness that I work on is not the same definition that the Minister for Social Security works on. She says in opposition to this amendment: "Fairness cuts both ways." I honestly wanted to hear from somebody to explain to me why it is fair that we have this system which is discriminatory. It says to people who earn a very large amount of money that they will get preferential tax rates above what the rest of us get. That is not fair. Fairness is playing by the same rules and right now we have one set of rules for those people and a different set of rules for the rest of us. That is not fair. What I am asking for here is a level playing field who can possibly challenge that on fairness grounds. The point that annoyed me the most in this debate, and Deputy Gorst referred to my consternation when he made this point about the social security element of this amendment only applying to businesses, is what they said. It annoys me because I believe that statement, if it is said without caveat, is misleading. To the majority of people out there running businesses, this amendment will have no effect on them whatsoever. It will not include a single extra penny of spend for them to do business, this only and exclusively applies to businesses who employ people on salaries of above £277,000 a year. That is a small minority of businesses and the ones most likely to be paying those sorts of amounts are those in those high-value sectors which are currently benefiting from the interest rates going up. Those businesses who, right now, will actually be seeing their profits go up hopefully. They are the ones who are most able to afford it. Your small business person who runs a small venture with perhaps a small shop floor on the High Street or something like that, will not pay a penny extra. Let us not say that this is something that only applies to businesses. It only applies to a small minority of businesses and it is the ones who are doing the best. There were points made about competitiveness. That is one that I always find particularly grating because Jersey is ... I was born here and I love this Island with all my heart and I simply do not believe that our headline tax rates are what makes this Island and this community. We are so much more than that and I do not believe that if you said to those doing the best in Jersey financially: "We would like to ask you to pay the same rates as the rest of us" not more, just the same - that they will all pack their bags and leave. One of the reasons I do not believe that is because if that were true they would not be here in the first place because there are already places we can go to that have lower taxation regimes. In fact some of those you can see on a clear day, they would pay less if they went to Guernsey, in fact they would pay almost nothing if they went to Sark. But I would say you get

what you pay for. In our Island we pay tax so that we can have some of the nicer things here, we can provide better services, we can have better infrastructure and that benefits everyone. Those who do business here know that if we have more revenue going into our health system and our education systems they are going to get healthier employees, better educated employees and higher productivity as a result of that. They will reap the rewards that way. Deputy Ahier pointed out that this amendment is identical to one I have brought previously. The one I brought previously Deputy Ahier voted in favour of so I hope his voting will be identical this time round since the amendment is. But he did raise this question about splitting in parts so social security and L.T.C. (Long-Term Care) can be considered separately. That cannot happen. The cap exists in law in one place. It is one cap. There are not 2 separate caps. You get rid of one you automatically get rid of it for the other. I personally do not see how that is problematic. To be honest, I think that is probably all I have to say. This is a matter of principle. The actuarial review going on is a red herring because that is not what we are waiting on to tell us the answer to this. We know that for political reasons. This point of competitiveness I regard as being an unpatriotic argument and there is no time like the present and if we want to see this happen we have to vote for it. If you do not vote for it, do not expect it to happen but if it does not go through I would also say do not expect us to stop bringing it up, we will keep bringing it up until it is achieved because it is an inherent unfairness in our system and unfairness cannot prevail. One day I am confident it will not. I make the amendment and I call for the *appel*.

The Bailiff:

The *appel* is called for and I invite Members to return to their seats. If all Members have returned to their seats I ask the Greffier to open the voting. The vote is on amendment 23 and I ask Members to vote. If Members have had the opportunity of casting their votes then I ask the Greffier to close the voting. The amendment has been rejected.

POUR: 16	CONTRE: 28	ABSTAIN: 1
Connétable of St. Helier	Connétable of St. Peter	Connétable of St. Martin
Connétable of St. Lawrence	Connétable of St. John	
Connétable of St. Brelade	Connétable of Grouville	
Connétable of Trinity	Connétable of St. Ouen	
Deputy G..P. Southern	Connétable of St. Mary	
Deputy M. Tadier	Deputy C.F. Labey	
Deputy L.M.C. Doublet	Deputy K.F. Morel	
Deputy R.J. Ward	Deputy M.R. Le Hegarat	
Deputy C.S. Alves	Deputy S.M. Ahier	
Deputy S.Y. Mézec	Deputy I. Gardiner	
Deputy T.A. Coles	Deputy I.J. Gorst	
Deputy B.B.S.V.M. Porée	Deputy L.J Farnham	
Deputy C.D. Curtis	Deputy P.F.C. Ozouf	
Deputy L.V. Feltham	Deputy P.M. Bailhache	
Deputy R.S. Kovacs	Deputy D.J. Warr	
Deputy M.B. Andrews	Deputy H.M. Miles	
	Deputy M.R. Scott	
	Deputy J. Renouf	
	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 A.F. Curtis		
		Deputy B. Ward		
		Deputy K.M. Wilson		
		Deputy L.K.F Stephenson		

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff

The adjournment is proposed. The States will come back at 2.00 p.m.

[12:55]

LUNCHEON ADJOURNMENT

[14:00]

The Bailiff:

I believe before we resume public business the chair of P.P.C. (Privileges and Procedures Committee) would like the opportunity of dealing with future business.

Connétable K. Shenton-Stone of St. Martin:

I would just like to update the Assembly that so far since late Monday afternoon the Assembly has dealt with one standalone proposition and 9 amendments to the Government Plan, some of which involved amendments to the amendments. If I have my calculations right there remains 10 amendments to deal with, also the Government Plan itself, the Draft Finance Law and then 3 other pieces of legislation, the Draft Criminal Justice (Deferred Prosecution Agreements) (Jersey) Law, Draft Non-Profit Organisation (Amendment of Law) (Jersey) Regulations and the Draft Food (Jersey) Law. There will also be the Christmas greetings to deal with at the end of the meeting. I think with a fair wind this afternoon the Assembly could get through quite a few items but as we are going at the moment, if we carry on at the pace we went at this morning, we may have to decide that we have to say very late tomorrow evening, which would not be ideal for anybody. I do not think there is an opportunity for us to sit on Monday as I think quite a few Members are leaving the Island. It was just really to say to Members that if Members could be quite concise with their speeches that would be very helpful to all of us. I would also like to know how the Assembly feels about starting at 9.00 a.m., which would give us an extra half an hour. As I say, it would be very difficult to sit next week. So it was just to say to everyone while not trying to interfere with democracy could everybody speak quite concisely.

The Bailiff:

I think it might be helpful if Members could indicate whether they wish to start at 9.00 a.m. tomorrow? Very well, I am going to assume that is what will happen. The Assembly will start at 9.00 a.m. tomorrow morning. As the chair of P.P.C. has said, we have already confirmed we are sitting until 8.00 p.m. this evening. If we are carrying on at the rate I think we are not getting through many more than 2 or possibly 3 debates per half day, which on any analysis means unless we speed up, and I am not suggesting anything by that, we will not finish by the end of Friday and it will be necessary to consider something in terms ... unless we simply carry on until we finish on Friday. There are significant pieces of legislation at the end of the list which probably merit more than exhausted jab of the button, if I can put it that way in a slightly flippant manner. Those are my observations, if I may.

The Connétable of St. Brelade:

I just wonder whether the movers of the propositions, shall we say outside the Government Plan, would consider whether they could be deferred to the next sitting?

The Bailiff:

That is something that certainly can be considered and it may be ... I cannot recall off the top of my head who is moving the Food Law and who is moving the Deferred Prosecutions but it may be that that can be deferred, it may be that it cannot. There may be reasons but perhaps if no one is capable of indicating to the Assembly now then perhaps an indication could be given just before we break at 5.30 p.m. before we resume, unless you are in position to give it now, Deputy Renouf?

Deputy J. Renouf:

I would like to just make a consultation on that.

The Bailiff:

Of course.

Deputy J. Renouf:

But in principle, subject to hearing from officers otherwise, I would be happy to defer.

The Bailiff:

I am assuming that the Deferred Prosecution Agreements will be the Minister for Home Affairs?

Deputy A. Howell:

I was just wondering if the very important business could be moved tomorrow morning that you are saying we have to do. I just wondered.

The Bailiff:

I am not sure what you mean by the very important business.

Deputy A. Howell:

There was something that you said that we had to do at the end of the ...

The Bailiff:

At the end of the Government Plan there are financial provisions that need to be passed to give effect to the financial decisions made in the Government Plan, without which nothing ... that will need to be done, it is part of the Government Plan in effect, it is just separate. The other items are conceptually separate.

Deputy I.J. Gorst:

I realise the Minister for Home Affairs is online but both the Deferred Prosecutions and the N.P.O. (Non-Profit Organisation) legislation are arising out of the preparation of the MONEYVAL.

The Bailiff:

I assumed they were.

Deputy I.J. Gorst:

Therefore it would be, if at all possible notwithstanding the comments that the Chair of P.P.C. has said, if they could be taken at this sitting.

The Bailiff:

Deputy Miles, did you wish to speak?

Deputy H. Miles of St. Brelade:

Not any more, the Minister for Treasury and Resources has taken the words out of my mouth.

Deputy R.S. Kovacs of St. Saviour:

I just wanted to say it has been agreed today to sit until 8.00 p.m. and was proposed initially to sit until 8.00 p.m. tomorrow, has that been already agreed or can we propose to sit ...

The Bailiff:

The Assembly has agreed to sit until 8.00 p.m. this evening and agreed to sit until 8.00 p.m. tomorrow but it was indicated when that agreement was reached and the Assembly so resolved that it may need to be revisited. I think this is the Chair of P.P.C.'s desire to warn Members that 8.00 p.m. simply might not cut it tomorrow evening. Very well, any further indications, Chair?

The Connétable of St. Martin:

No, thank you.

1.5 Proposed Government Plan 2023-2026 (P.97/2022): eighth amendment (P.97/2022 Amd.(8)) - Stamp Duty on Wills and Immovable Estate - as amended

The Bailiff:

All right, we will resume then. The next item is the eighth amendment. Deputy Kovacs, I think your amendment falls away as a result of the earlier decision and so the next amendment is the eighth amendment, Stamp Duty on Wills of Immovable Estate. It is lodged by Deputy Andrews. In this case, Deputy, this is the one where you, at the beginning, did you not, ask Members to take a variation of it, an amendment of it early and you would presumably wish to have it read as amended. Do Members agree it can be read as amended? Then in which case the main responder will be the Minister for Treasury and Resources and I ask the Greffier to read the amendment as amended.

The Deputy Greffier of the States:

Page 2, paragraph (i), after the words "Appendix 3 to the Report" insert the words – “, except that on page 33 of appendix 3, after the words “relatively short period of time.” there should be inserted a new section as follows: “Stamp duty on immovable property. Stamp duty is made payable on immovable property upon the discharge of a will in line with item 46 of schedule 1(3) of the Stamp Duty and Fees (Jersey) Law 1998, made payable on the net value of immovable property at the time of death of the testator. The current proportioned stamp duty rates on immovable property range from £250 to £429,500 on market value bands ranging from £50,000 to £6 million. In appraising the current stamp duty rate against market values on immovable properties it has been proposed that the stamp duty rates remain disproportionately low to immovable property market values. To ensure the broadening of revenue raising streams, Stamp duty on immovable property upon the discharge of a will shall be increased, no later than 1st January 2024, by raising the stamp duty by 50 pence on each £100 payable.”

1.5.1 Deputy M.B. Andrews:

I think it is quite important that I begin by saying we do need to be enhancing our revenue streams. When we are looking at stamp duty bands on item 46 under the law they are very diminutive. Now when we look at £300,000 market price, £4,000 is made payable. A 50 pence increase on each £100 will ensure that an additional £1,500 will be payable. This will allow for increased flows from the private sector across to the public sector. I think this is very important because often what we do see is it is those who are economically active, they are the ones who have to take responsibility. It is social security, it is personal income taxation, it is G.S.T. and what we do need to be seeing is more broad measures because people who do own their properties have an implicit rent. What that means is basically there are no debt obligations made payable in rental terms, however the choice may be that they take on further debt obligations. Those debt obligations may need to be fulfilled. Having

said that, the overall estate could be in excess of millions. It is only immovable stamp duty rates that are applied against estates that potentially could be £5 million or £10 million and we could be speaking of such diminutive rates as a percentage of the overall net wealth of the estate. I think that epitomises that when we do see inheritance in Jersey there is a great deal of inheritance where wealth accumulation is in perpetuity. There is not much in terms of redistribution. If we do broaden some form of redistribution it means that we are going to be increasing revenue. I think that is vital because 49 per cent of government revenue comes from personal income taxation. That is 23 per cent above the O.E.C.D. (Organisation for Economic Co-operation and Development) average. I think that is a considerable figure and also it is a very problematic one too. All I am saying here is we can be increasing revenue and we just need to be looking at the previous years from 2012 to 2021 and how low the revenue generated has been because it can be increased and it is a marginal increase. Some may question: "How are some people able to pay for stamp duty that is to be made payable" or we could ask that question currently now because there is only a marginal increase, that is all we are speaking of here. You can see that across the bands. Also we need to be looking at financial and non-financial assets. In particular, when we are looking at financial assets you can be generating unearned income, and a lot of it too. For lawyers dealing with estates they are able to ensure that actually stamp duty is made payable and, yes, maybe if there are no other assets then potentially it could be the case where properties could be disposed of, but that currently remains the case. It is not going to be any different, all we are speaking about is the rate being increased across bands. That will be one argument I am sure some Members will bring forward to the Assembly. Absolutely, yes, it is a good argument indeed. But I think what we do need to be seeing is a move away from taxing those who are labour and capital income earners. We also have to remember as well our Zero/Ten tax regime has served us well, it has maintained our business supply, it has maintained our revenue streams as a government but we do need to be looking domestically at other ways and how we can be procuring more revenue. I think that is absolutely vital. Members need to take a look at the balance. For instance, if we are to be looking at a £6 million market value, and again there are some properties that are worth £6 million, currently on the estate payable £429,000, instead there would be a £30,000 increase. I am sure somebody who has a property that is worth £6 million you would have a great deal of income savings and a lawyer would be in a position where they would be able to make payment of stamp duty. We all know that the greater the market value, the more inclined the positive net wealth position of the household but, as I said, there potentially could be external debt obligations that could be made payable and this will vary on each individual case. Now, if we want to be generating more income, we can do that and it will be a marginal increase indeed but, as we have seen previously, stamp duty under Article 46 of the law is a very diminutive percentage compared to the aggregate stamp duty that is made payable in total. Thank you and I will close my speech there.

The Bailiff:

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

[14:15]

1.5.2 Deputy E. Millar:

I would like to ask Members to reject this proposition. Deputy Andrews is proposing an increase in stamp duty on a will of immovable property on the basis that it will increase the stamp duty going into government revenue, and I have no confidence that that is the case. There is no legal requirement to register a will on immovable property. Any increase in stamp duty is likely to deter registration and in fact reduce the duty that we receive. As Deputy Andrews said, lawyers and financial advisers are very clever and they are engaged to avoid and reduce tax as much as possible. I would imagine there are many lawyers saying to their clients: "Do not bother registering because you will have to pay increased stamp duty." Even if those are registered, stamp duty exemptions mean that only 40 per cent of those attract stamp duty: for example, if a family home is left to a spouse or civil partner, if a property is left to charity or if it is left to those who would inherit on intestacy, so that is most

likely to be children or siblings. So I am not quite sure from that list who might inherit a property that would be paying stamp duty. It may very well be someone like a long-standing employee who inherits a £6 million property and has no hope of paying the stamp duty without them selling the property or borrowing and it may have unforeseen consequences. Registration evidences title and makes a future sale easier but even if a will is not registered and a will is lost, a conveyance can still happen, so even where there is no will there is a way, I imagine. As I say, lawyers can find a way round most things and I suspect it may be the case that people may choose not to register wills. If you do not have a will or if you lose it, it still can go ahead on the basis of title indemnity insurance. It may be that title indemnity insurance is very much less than the stamp duty that we are now proposing and that we see even less stamp duty. We also have to bear in mind that property often passes to heirs automatically where there is intestacy and no stamp duty is payable. If somebody wants the property to go to their wife or husband or their children, they do not need a will but having a will makes life very much easier for everybody. We do not want to encourage intestacy because that is not helpful. Registration of wills can also help identify the current owner of a property who can be traced if they are outside Jersey. If no will is registered, it will be difficult to trace the beneficial owner. If the owner has left the property vacant, he will not be able to address the vacancy or take action to bring the property into occupation, so this proposition may also increase the risk of homes being left vacant because the owner cannot be found. Different scope or application, this proposition will not change our tax mix materially and it may in fact have the converse effect to that which is intended and reduce government income from stamp duty. For those reasons, I urge Members to reject the proposition.

1.5.3 Connétable D. Johnson of St. Mary:

I appreciate what Deputy Millar has just said. While I welcome the idea of an improved income stream, I am unable to support this proposition for a different reason, which is that it widens still further the gap between stamp duty payable on immovable estate and any fee that is chargeable on movable estate. The proposer includes in his proposition certain tables. Just to pick one example at random, a property valued at £931,000 will under his scheme attract stamp duty of £23,270. At the moment if that value was not in a house, shall I say, but in personal assets, the equivalent fee payable then would be £6,000, about a quarter. What I am saying is that I think it is wrong to tamper with the stamp duty on immovable property unless at the same time we address the comparatively low rate of 0.75 per cent.

Deputy M.B. Andrews:

A point of order, Sir.

The Bailiff:

What is the point of order?

Deputy M.B. Andrews:

I think the Connétable is actually reading the previous amendment.

The Bailiff:

Well, I am not sure that it is a point of order but it is probably useful if indeed you are going from the wrong script or piece of paper, Connétable.

The Connétable of St. Mary:

I apologise for that and thank you for bringing me to heel, as it were. That said, that was an illustrative guide. All I am saying is that on personal estate the current rate of duty is the order of 0.75 per cent, which is considerably less than that which is payable on immovable property. I would resist any move to increase the stamp duty on immovable property unless we reassess whether the current stamp duty on personal property was appropriate in the current climate. My further postscript to that is that

personal estate will include the property held through a share transfer. To a certain extent those who own their property through a share transfer system will attract, if that is the right word, only the rate at 0.75 per cent whereas if it was in bricks and mortar itself it would be considerably more. Again, I suggest that that needs to be addressed more fully.

1.5.4 Deputy T.A. Coles:

I will keep this brief. I believe this proposition is in some way almost looking like an inheritance tax but almost a self-inheritance tax. Personally I do not have an issue with inheritance taxes as long as they are broader and considered more. I take the reference the Deputy made about a £6 million house. If someone was to inherit £6 million in cash at this time they would not pay any tax on it at all but yet someone who inherits that valuable house would have to pay a form of tax. I do not think that is directly fair. The Minister for Social Security pointed out that lawyers can find their way around certain taxes and things like this and again these lawyers will be working for the richer in our society where the poorer, who may be fortunate enough to coincidentally inherit a property from someone who is not a relative of theirs, may then not know about loopholes and may not be able to afford the lawyers. They will end up being stung for this form of inheritance tax and it is for reasons like this that I am afraid that I cannot support the Deputy's amendment.

The Bailiff:

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

1.5.5 Deputy M.B. Andrews:

I think there are a few things that need to be clear here. In terms of when Deputy Millar mentioned that it would be deterring people, I do not think that would be the case because we are just looking at marginal increases here. Are we seeing people be deterred because there have been increases currently with the quantitative data that has been stated on the amendment year upon year? Market prices, especially in relation to real estate, have been increasing and, therefore, when you are looking at the bands the stamp duty rates have also been increasing. We also have to recognise that lawyers will be looking at their clients and their clients' positive net wealth position, so they will be registering a will, making sure that their clients are appropriately positioned when their will is to be registered. I think that is also a point that has to be highlighted here. By saying that an additional £30,000 made payable on an estate that is worth £6 million, and there is already £429,000 made payable of the £450,000, will be a deterrent itself is again a supposition. It is an enormous misstatement. Where is the empirical evidence to suggest that this will be the case? That was what I found in the comments paper in response to my amendment. Deputy Ozouf can keep on nodding his head, that is fine. He can be in disagreement with me but the fact of the matter is we do need to be seeing an enhanced level of redistribution. We have not seen enough and this is probably more inclined to be on the left-wing side of politics where we would be looking at measures to provide a form of redistribution from the private sector across to the public sector. Do we want to be broadening our revenue streams or do we want to be relying upon the middle man and the middle woman again and again to be contributing income taxation and social security? Also when we are looking here and analysing, look at the rates that are applied with mandatory deductions on personal incomes compared to the rates for the lowly levels on the net value of estates. When we are looking at the net value of estates, it is only immovable property that is going to be generating a form of income. The overall estate though is going to be exempt from taxation and that is why I said financial assets and non-financial assets are not concomitant to taxation in Jersey compared to other jurisdictions. That is precisely the case and, therefore, the Government are able to broaden revenue streams. If you look at the U.K., for instance, they have an inheritance tax. Now, it is also providing a broader revenue stream in terms of capital taxation. Jersey does not have inheritance tax, it does not have capital gains tax, and therefore we are relying on fewer people to be generating income.

When we are looking at capital taxation, we are looking also at the ability to have broader shoulders on those who can afford it more. I have to say one of the reasons why I have come into politics is because I do feel very impassioned about helping the lower and middle deciles in our Island. I think it is very important that they are not the ones who are going to be subject to increased mandatory deductions in future. I am afraid, as it currently stands, that will most likely be the case because we are not thinking and we are not being innovative enough. This is an opportunity where we can say for each stamp duty transaction there will be some additional income and also we need to be looking at the aggregate amount that is going to be made payable and how much will that be as a portion of overall stamp duty. At the moment, the stamp duty that we are collecting is all from property transactions, those who are purchasing property. You look at how diminutive the figures are under Article 46 of the law. We could be speaking about estates in excess of £5 million, £10 million, £15 million and all we see is a very disproportionate amount and whoever the beneficiaries are will be in a position where it is going to be perpetual wealth, and that is also one of the things that continues to be the case in Jersey. Interestingly as well, when I was canvassing during the election I bumped into a woman on the doorstep and she said to me that she was very fortunate that she had inherited her parents' property and also all of the other valuables as well and no longer did she have to work because she was in such a comfortable position. All we are saying is we are going to provide a transfer, a fairly diminutive transfer, by the way, as it currently stands and it will still be a diminutive transfer, across from the private sector to the public sector. It will also allow us to provide more revenue to facilitate more expenditure so we can help Islanders. So far we have been facilitating expenditure, expenditure, expenditure, and where are the plans to generate additional income? They have not really been forthcoming. I think this is probably one of the first amendments where we are seeing income being generated. There will be some Members who again will be disapproving of this amendment and that is fair enough, but importantly I am here, I am a man of values and I am carrying out what I have set out to do. It is about standing on a platform and for me, yes, I am a social democrat and, yes, I do believe that there has been too much emphasis placed on the people of Jersey to carry the burden.

[14:30]

This has been a problem that has become exacerbated and now it needs to change. By arguing in opposition to this, what we are saying is let us allow everybody to continue to ensure that they are the ones to have to bear the responsibility and let us not touch those who can most afford it, because a lot of these people can afford it. This is giving us an opportunity to broaden our revenue stream because we need to and we have not been looking at different areas where we could be collecting more tax. As it currently stands, when we are looking at the current trends, the trends are showing that there will be an income increase. Deputy Millar, with her proposition, she may think that there is not going to be any income generated. There will be income generated, still going to continue, because again we are speaking of 50 pence on each £100 made payable. That is all we are saying. For each £1,000, £5 will be payable. We also have to be looking at cash savings. We also need to be seeing at a level of disposable assets as well and the net value of those disposable assets in order to pay stamp duty to. I do not think that is something that has been considered unfortunately in response to the argument that I have proposed before the Assembly. I am also very conscious of time and we have so much more to get on with, so I will leave it there and I will call for the appel.

The Bailiff:

The appel is called for. I invite Members to return to their seats. If Members have had the opportunity to return to their seats, then I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The amendment has been defeated.

POUR: 8		CONTRE: 39		ABSTAIN: 0
Connétable of St. Saviour		Connétable of St. Lawrence		
Deputy M. Tadier		Connétable of St. Brelade		
Deputy R.J. Ward		Connétable of Trinity		
Deputy B.B.S.V.M. Porée		Connétable of St. Peter		
Deputy C.D. Curtis		Connétable of St. Martin		
Deputy L.V. Feltham		Connétable of St. John		
Deputy R.S. Kovacs		Connétable of St. Clement		
Deputy M.B. Andrews		Connétable of Grouville		
		Connétable of St. Ouen		
		Connétable of St. Mary		
		Deputy G..P. Southern		
		Deputy S.G. Luce		
		Deputy L.M.C. Doublet		
		Deputy K.F. Morel		
		Deputy M.R. Le Hegarat		
		Deputy S.M. Ahier		
		Deputy C.S. Alves		
		Deputy I. Gardiner		
		Deputy I.J. Gorst		
		Deputy L.J Farnham		
		Deputy K.L. Moore		
		Deputy S.Y. Mézec		
		Deputy P.F.C. Ozouf		
		Deputy P.M. Bailhache		
		Deputy T.A. Coles		
		Deputy D.J. Warr		
		Deputy H.M. Miles		
		Deputy M.R. Scott		
		Deputy J. Renouf		
		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 A.F. Curtis		
		Deputy B. Ward		
		Deputy K.M. Wilson		
		Deputy L.K.F Stephenson		

1.6 Proposed Government Plan 2023-2026 (P.97/2022): thirteenth amendment (P.97/2022 Amd.(13)) - Enhanced Capital Allowances

The Bailiff:

The next item is the thirteenth amendment, Enhanced Capital Allowances, lodged by Deputy Luce. The main responder will be the Minister for Treasury and Resources. I ask the Greffier to read the main amendment.

The Deputy Greffier of the States:

Page 2, paragraph (i) – After the words “Appendix 3 to the Report” insert the words – “, except that, on page 33 of Appendix 3, after the words “relatively short period of time.” a new section should be inserted as follows – “Enhanced capital allowances Currently businesses are able, under part 12A of the Income tax (Jersey) Law 1961, to claim capital allowances on qualifying capital expenditure to offset against allowable profits at a rate set at 25 per cent per annum on a reducing balance basis. From 1st January 2024 a new capital allowance will be introduced for small and medium sized businesses, allowing them to offset 100 per cent of capital expenditure for investment in the fiscal year that it is incurred.”

1.6.1 Deputy S.G. Luce:

Members will be pleased to know that this speech will not be bothering the timekeeper too much. I hope it will be the shortest speech of this Government Plan debate, but just because it is short does not mean it is not high on quality. I would just like to run Members through it because it is quite simple to understand. I am sure Members will be conscious of capital allowances and all I am seeking here to do is to encourage and stimulate investment in the economy, not just reducing our carbon footprint and the potential replacement of old and inefficient plant but across the whole economy, by enhancing the capital allowances that are available currently to small and medium-sized businesses. Members will know, I am sure, currently that happens on a reducing basis of 25 per cent per annum. What I would like to do here is to propose that those who make the investment get that benefit of 100 per cent in the first year, year one. So here it is. There is no reduction in the tax received for the Treasury, although I am sure the Minister for Treasury and Resources can explain it slightly differently. This measure that I propose today merely is a different way of profiling that cash coming into the Treasury. Such an enhancement to the rules for capital allowances should incentivise businesses to invest in improving productivity and strengthening their asset base. This is about short-term cash flow. Anybody who has run a small business knows, especially in the early days of that business, it is so vital to keep cash flowing through and this is a way of helping those small businesses in those first 12 months. The Island’s economy is founded on small and medium-sized businesses and we still have hundreds and thousands of them here. I want to do what I can to help them invest in these difficult times and show that the Government wants to help them too. I will leave it there.

The Bailiff:

Is that seconded? [Seconded]

1.7 Proposed Government Plan 2023-2026 (P.97/2022): thirteenth amendment (P.97/2022 Amd.(13)) – amendment (P.97/2022 Amd.(13).Amd) - Enhanced Capital Allowances**The Bailiff:**

There is an amendment brought by the Council of Ministers and I ask the Greffier to read the amendment to the amendment.

The Deputy Greffier of the States:

Delete the paragraph that begins “From 1st January 2024” and insert the words “As part of the 2024 Budget, which will be delivered in 2023 and focus on innovation and enterprise, Ministers will consider a range of measures to encourage and stimulate investment, including the case for increasing the rate for capital allowances available to businesses that make qualifying capital purchases.”

1.7.1 Deputy I.J. Gorst (The Minister for Treasury and Resources - rapporteur):

I am not sure I am going to be quite as short as Deputy Luce but I will give it a good shot. Ministers and I particularly support the principle that Deputy Luce is trying to do, which is encourage business investment in innovation, possibly technology and other investment for the long term. I support that principle, which is why in this Government Plan I said that in the budget next year I will be bringing forward measures to deliver innovation. That aligns with the work that the Minister for Economic Development is doing with this innovation strategy and it aligns with the Government's priorities. Where I cannot be 100 per cent certain - I should not use that term - that I am going to fully agree with Deputy Luce is that before we do that consultation next year ... so there is no difference on timescale. It will come into effect in the beginning of 2024 together, but I think we just need to make sure that we do an appropriate review. The reason I say that is that of course capital allowances are currently only available to taxpaying companies because the Zero/Ten regime significantly, therefore, limits the potential to benefit businesses that we might want to support through the innovation budget. We do not have the tools available to us that other jurisdictions might do who have got high rates of corporate tax and for them a full 100 per cent capital allowance in year one makes absolute sense. You see the U.K. Chancellor gave a period of full capital allowances, saying that they were going to increase corporation tax to try and encourage investment and limit liability of that tax. Because of the Zero/Ten regime, I think we are going to have to look at other measures to stimulate investment in business and that might be looking at how we tax the shareholders, it might be looking at how we tax directors and think about using income tax as well as corporate tax. That, quite straightforwardly, is why I brought this amendment to support the Deputy's principle but not to say absolutely we should give all the money that we might have available to deliver innovation up front to 100 per cent capital allowance. We remind ourselves, of course, that the definition of S.M.E.s (small and medium-sized enterprises) elsewhere around the globe would mean that 92 per cent of Jersey businesses are in scope. That might be absolutely appropriate but again we will work through that as we do our review and come forward with the budget for 2023. There is not much separating us, just that I want to get absolutely the best bang for my buck when we come forward to investing and supporting businesses to invest in innovation. I propose the amendment.

The Bailiff:

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

1.7.2 Deputy S.G. Luce:

This looks like a very close debate between myself and my neighbour on the benches over here. Deputy Gorst has just said there is nothing much to choose between us. What happens at the moment and what I propose are very similar things, 25 per cent reducing on an annual basis or have the 100 per cent up front in one year. Those businesses caught by this will continue to be caught by this. If they pay at the moment, they pay at the moment; if they are going to get some relief, they will continue to get that relief. There really is very, very little difference between us. So what I say to Members is this: we have heard this morning from a number of people, coined by Deputy Ozouf early on, actions not words, and here we are. My amendment is the action and the Deputy next to me here proposes some words in a slight amendment. There is very little difference between the 2 of us but I would urge Members to look at my amendment and see that this is a way of helping those small and medium-sized businesses in that first year of making any investment that they might choose to do.

1.7.3 Deputy P.F.C. Ozouf:

Dare I rise as a former Assistant Minister for Innovation and also remind Members, but to congratulate Deputy Luce on bringing forward what I think was immediately deliverable but for the reasons that I endorse the Council of Ministers and the Minister for Treasury and Resources'

amendment. I say so insofar as what the Minister for Treasury and Resources said is that capital allowances could come in in 2024 but what I would like to do, as a Member of the Council of Ministers, is to go back to the innovation fund review, to the Tera Allas review, and get on with that. There were lots of actions set out in the Tera Allas review for innovation, which sadly the previous administration did not get on with. There are lots of things we need to do. We need to accelerate as never before research and development, capital to deliver our zero carbon initiative, to deliver productivity. We need action not words quickly, fast, in 2023 and so these capital allowances are one bit of the armoury that is possible to deliver. So in accepting the amendment to the amendment, I hope that I can speak on behalf of the Council of Ministers - the Minister for Economic Development, Tourism, Sport and Culture is not here - to say that the Economic Development Department is going to get on immediately with looking at ways that we can accelerate fast, quickly, putting all necessary arrangements in place that are based upon the Tera Allas review on innovation, which probably Members have forgotten about. It was done in 2015. It is excellent, has got some really good stuff in it. I lost my job afterwards and it did not seem to have much momentum after that. Let us put some momentum back into that. Let us listen to the matter that Deputy Luce has brought forward to the Assembly. Let us see whether or not we can bring in a mini-Budget to deal with mini-Budget requirements for accelerating capital allowances early next year. We have done one mini-Budget this year because we needed to. If we need to accelerate moving homes, businesses over to net zero, moving to increased productivity because of the recruitment crisis, let us get on with it. Let us absolutely get on with it, let us accept the amendment to the amendment but congratulate Deputy Luce because he probably read the Tera Allas review, like others. I think he probably scrutinised it. There are loads of "to dos" in that report that we need to get on with. Action not words, let us get on with it, approve the amendment to the amendment and these capital allowances, if we need to bring them forward, let us bring them earlier, but it just cannot be done in this budget in this timeframe. That is just under 3 minutes.

[14:45]

1.7.3 Deputy M. Tadier:

I do not have any particular skin in the game, which is an expression I picked up at Economic Development, which is quite right. It is not my amendment, it is not the party's amendment, but I think it is important to remain consistent at least in asking the questions about what is good for the goose is good for the gander. Listening to Deputy Gorst speak, he did not seem to make much of a case for why his amendment, the Government's amendment, is better than what Deputy Luce is proposing. I know you are not allowed to repeat yourself in a speech but it sounds like Ministers are happy to repeat themselves from speech to speech. They seem to have the same speeches written for every amendment, which is "actions not words". I am reminded of the time - I think I have mentioned it maybe in the previous Assembly - of the Monty Python sketch in "Life of Brian" where she comes in and says: "They have arrested Brian" and they are talking about actions, they need to take more actions and they say: "Right, this calls for an urgent discussion." Exactly what we have got here is a replacement where Deputy Luce is proposing action to be done now, go from 25 per cent to 100 per cent in the first year, and the Government are saying: "Let us just review it." That is not actions rather than words. It is words instead of actions and, of course, the Minister for Treasury and Resources can sum up. The question I want to ask the Minister for Treasury and Resources, which I think I find more concerning and which certainly I discussed when we reviewed this a couple of weeks ago with our party, is whether there is any potential downside to what Deputy Luce is proposing in terms of the unintended consequences? Is there a reason that now it is limited to 25 per cent of investment that can be claimed back per annum rather than the full 100 per cent? I think that kind of argument will be helpful to know why the status quo is as it is rather than allowing a higher per cent or indeed the full amount to be claimed back. I do not want to stray into the main argument, the main proposition, but I think it is important to juxtapose the 2 arguments. A lot has been made in Deputy Luce's short report about the potential for investment in green energy, for example, in

reducing carbon footprints, but of course there is nothing in the investment that per se will have to be directed in that regard. I am asking the Minister for Treasury and Resources. If I have correctly understood, we might want some more nuanced tool rather than what Deputy Luce is proposing to make sure that ... it does not have to be that, of course, because that is not the current case. It is simply you can claim back whatever investment but it is in 25 per cent tranches. You could invest in capital expenditure, which is not just carbon reducing but could be the wrong kind of investment in terms of what the Government's other goals are for reducing carbon emissions. I will be more interested to hear about that kind of argument in the summing up rather than why the Minister for Treasury and Resources is so close already to what the Deputy is proposing. Just a final observation is that I am rereading a book by Douglas Rushkoff who talks about the rise of the corporation and it talks about the fact that over a period of time corporations, companies, limited companies ended up having more rights than individuals. You have the legal personality of the company, which is limited so it does not have all the same responsibilities and liabilities of a person but it has got many more tax advantages than an individual would have. I would ask that whatever the result of this is that, for example, if an individual wants to make choices about capital investment in their own life, buying an electric car, switching the heating in their homes to green energy, which might involve some upfront investment, can they claim those expenses back as an individual when a company can do that? The answer is no. If one of us goes out and buys an electric vehicle and it costs £30,000 in a certain year and you have only earned £60,000 that year, you cannot claim that back from the taxman as an individual, but a company, of course, can do that. A company can decide how and when it wants to offset its taxes. My concern, and I want the answer from the Minister for Treasury and Resources, is again are there any downward consequences, any unintended consequences for companies being able to potentially misuse this facility to invest and displace tax that would be owed simply by investing in capital investments, which they may not need, which may not be beneficial for the wider community but which would then deprive the tax office of income.

The Bailiff:

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

1.7.4 Deputy I.J. Gorst:

I thought that Deputy Tadier started being opposed to my amendment and he ended up making all of my arguments for me. He is quite right that it might be that during the course of the review, which would implement changes to tax allowances at exactly the same time, so the beginning of 2024 ... Deputy Luce and I are aligned that that is the right thing to do. We might decide that we do not just want to give 100 per cent capital allowance to every qualifying capital investment. We might want to align the capital allowance with the work that the Minister for Energy and Climate Change wants to do to encourage green investment or businesses to transform their premises and invest in making them more energy efficient. We could say: "They can have 100 per cent capital allowance but we are going to leave other qualifying investments to the 25 per cent." Of course roughly the 25 per cent is really connected with the lifetime of an asset replicating and depreciating in a way. That is why you do it like that. The downside, of course, which I think is also a point that Deputy Tadier was trying to make ... I do not ever recall that I am making a speech reinforcing the points in a speech that Deputy Tadier has made. There might just be one, but we will not touch on that because we do not want to touch on that issue today. That is that you are giving a benefit to a business that was already making the investment, so it is really not encouraging innovation and investment. That would have been investment that was made anyway. For those reasons, I think we are going to want to carefully think about whether 100 per cent for every investment, and we remind ourselves that it is only taxpaying businesses. I think we might want to do the capital allowances also with some form of grant, which again is work that the Minister for Energy is going to be bringing forward during the course of the year as well. It would be really great to have a joined-up, aligned policy where we were

taking action and not just talking about taking action. It is for that reason, being very aligned with the Deputy here to my left, just wanting to have that bit of flexibility, and I am fully prepared to work with him. He can come in and work in Treasury and make sure that we get it absolutely right, so we are delivering the best possible benefit. I was going to say it could be a business that has a gas coffee roaster and they want to change it to an electric one. Surely 100 per cent capital allowance in year one would be good for them but not if they were just replacing it with another gas one. I, therefore, make the amendment and for those reasons I ask Members to support it.

The Bailiff:

Is the *appel* called for?

Deputy I.J. Gorst:

Yes, please, Sir.

The Connétable of St. Martin:

Sir, could I just make a point, please?

The Bailiff:

Well, I am not sure. In what capacity?

The Connétable of St. Martin:

It might be misleading the Assembly. It is just that as Chair of P.P.C. I think that I should bring it to everyone's attention that we have an Assistant Minister for the Environment. We do not have a Minister for Energy. Deputy Gorst keeps referring to Deputy Jeune and we have been through this with the Chief Minister and it is not in Standing Orders. We would have to change Standing Orders.

The Bailiff:

Thank you very much. The reality of it is that one should do one's best to refer to people by their Ministerial or Assistant Ministerial title. I am afraid I do not always do it because sometimes it slips my mind, but it is appropriate to do so and that is the way it should be dealt with, either to refer to them as Deputy X or as by their correct Ministerial or Assistant Ministerial title. Both of those are in accordance with Standing Orders. The *appel* is called for. I invite Members to return to their seats and ask the Greffier to open the voting. The vote is on the Council of Ministers' amendment to Deputy Luce's amendment, the thirteenth amendment, and I ask Members to vote. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The amendment has been adopted.

POUR: 42		CONTRE: 6		ABSTAIN: 0
Connétable of St. Brelade		Connétable of St. Lawrence		
Connétable of Trinity		Connétable of St. Martin		
Connétable of St. Peter		Connétable of Grouville		
Connétable of St. John		Deputy S.G. Luce		
Connétable of St. Clement		Deputy M.R. Le Hegarat		
Connétable of St. Ouen		Deputy L.J Farnham		
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G..P. Southern				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				

Deputy S.M. Ahier			
Deputy R.J. Ward			
Deputy C.S. Alves			
Deputy I. Gardiner			
Deputy I.J. Gorst			
Deputy K.L. Moore			
Deputy S.Y. Mézec			
Deputy P.F.C. Ozouf			
Deputy P.M. Bailhache			
Deputy T.A. Coles			
Deputy B.B.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			

1.8 Proposed Government Plan 2023-2026 (P.97/2022): thirteenth amendment (P.97/2022 Amd.(13)) - Enhanced Capital Allowances - as amended

The Bailiff:

We now return to the thirteenth amendment as amended. Does anyone wish to speak on the thirteenth amendment as amended? If nobody wishes to speak, all those in favour of adopting the thirteenth amendment as amended kindly show. The appel is called for. I invite Members to return to their seats and I ask the Greffier to open the voting. Did I close the voting? If I have not, then I close the voting. The amendment as amended has been adopted.

POUR: 48	CONTRE: 0	ABSTAIN: 0
Connétable of St. Lawrence		
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 K.L. Moore				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B.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				

1.9 Proposed Government Plan 2023-2026 (P.97/2022): fourteenth amendment (P.97/2022 Amd.(14)) - Residential Land Withholding Tax

The Bailiff:

The next item is the fourteenth amendment, Residential Land Withholding Tax, lodged by Deputy Luce and the main responder will be the Minister for Treasury and Resources. I ask the Greffier to read that amendment.

The Deputy Greffier of the States:

Page 2, paragraph (i) –After the words “Appendix 3 to the Report” insert the words – “, except that on page 33 of Appendix 3, after the words “relatively short period of time.” a new section should be inserted as follows – “Residential Land Withholding Tax Residential Land Withholding Tax (“R.L.W.T.”) is a tax paid by offshore property owners (those who own property in Jersey but are not resident) who sell their residential property. From 1st January 2024 R.L.W.T. will be introduced at a rate of 30 per cent of the gross sale proceeds of offshore property holders, with the rate increasing to 50 per cent from 1st January 2025. This will encourage non-resident investors to divest of their Jersey property and leave the Jersey property market prior to this date. By selling their property by the end of 2023 they will avoid having to pay R.L.W.T. in the future when selling their Jersey investments. The aim of R.L.W.T. will be to act as a deterrent for non-resident investors to continue to beneficially own Jersey residential properties.”

1.9.1 Deputy S.G. Luce:

In this amendment I think I am proposing something that Members of the Assembly may not have come across before, and that is the introduction of a new tax that hopefully produces no revenue for the Treasury. I hope that by the time it would, if approved, come into force there would be nothing left for it to tax. This amendment seeks to introduce a new property tax in Jersey entitled, as we have already heard, residential land withholding tax and it would be paid by non-resident owners of Jersey share transfer property when those properties are sold. This amendment is proposed solely for the purpose of releasing that type of property on to the market for the benefit of Islanders and for those looking for homes to live in. Can I start right at the outset by saying that there would be some exemptions to this proposed tax? There will be some people who are not living here, not resident, but who this proposed tax would not apply to.

[15:00]

I think it goes, of course, without saying that anyone with a Jersey residential qualification, wherever they might be living, would be exempt. The other most used exemption would be mainly but not exclusively around the subject of inheritance. This proposed tax would not be applicable to the sale or disposal of an inherited property or relationship property settlement, the property transfer from a deceased person to the executor or administrator of the estate, the property transfer by an estate on the death of a person, where the seller is a beneficiary of an estate or selling or disposing of an inherited property or where the seller holds a valid exemption certificate. Let us be clear, those living away from the Island, non-residents, who inherit Jersey property and subsequently wish to sell it would not be subject to this tax. I hope that deals with that issue, the subject that many Islanders have contacted me about since I lodged this amendment. On completion of the sale of a share transfer property owned by a non-resident, land withholding tax would be paid to the Treasurer on behalf of the non-resident owner who then receives the balance of the sale proceeds. I am proposing in this amendment it would come into force on 1st January 2024 at a rate of 30 per cent of the gross sale proceeds, but after that, on 1st January 2025, that percentage would increase to 50 per cent. Let us be clear, these percentages could well change as could the dates. Payment of this tax can be avoided altogether, and this is really the crucial bit of this amendment, if property is sold before 31st December 2023. That is the lead-in time that I am intending to use to encourage non-resident investors to divest themselves of their Jersey property sooner rather than later. This tax will, therefore, effectively act as a deterrent for non-residents to continue to own share transfer residential properties here in Jersey. There is clearly an undoubted shortage of residential property for Islanders

to purchase at the moment and this is, in part, caused by some non-resident investors owning residential share transfer properties. It is my hope that we can address this and create, even if it is just a few more, homes for Jersey people. It says in my report that the number of properties in non-residential ownership remains unknown at the time of lodging and here I wish to make an apology to Members. In the 2019 tax returns, 740 non-residents were declaring residential property income. Therefore, it is safe to assume that there is around that number of units of accommodation that could fall under this proposed tax and that is currently based on those latest figures. The numbers come from an answer given to Deputy Mézec in a question that was raised earlier this year and they come from Treasury. It is just an indication of the number of properties that could be brought into scope. As I have repeatedly said in the past in this Assembly, it is my view that increasing supply reduces demand and that in turn that would help to stabilise or maybe even reduce slightly housing prices here in the Island. This, in my view, is a win-win for locals trying to purchase a home. Incentivising non-resident owners to leave Jersey's housing market by the introduction of this tax will result, in my view, in a much-needed boost to the supply of share transfer properties. As those owned by non-residents become available, the choice for locals increases and this can only go in some way towards meeting the demand by local first-time buyers. I have to accept and say to Members that I realise that the detail in my amendment is far from perfect and I apologise for that, but I hope very much that Members accept the principle of what I am trying to achieve. I want to say to Members that last Friday I eventually managed to get a meeting with the Minister for Housing and Communities, and I am grateful to him for his time and his officers' time to discuss this amendment. I want to say to Members that one particular point raised during discussion at that meeting has caused me to think very long and hard in the 6 days since then. The matter in hand is the availability of rental properties on the Island at the moment. If a non-resident decided because this tax was looming to sell their property here in Jersey, there is a chance that they could decide to refurbish and redecorate that property to gain the maximum sale price. That move could mean - and I say "could" - that tenants found themselves looking for alternative accommodation. That could - and I say "could" again - lead to increased demand for rented accommodation and potentially leave some tenants struggling to find somewhere to live. The absolute last thing I would wish to do by bringing this amendment would be to put as a consequence even one person struggling to find a home to live in. Consequently I am going to withdraw this amendment today at this time, but I serve notice that I will closely monitor the situation and especially the situation that has caused me to withdraw and should circumstances become more favourable in the future, I will not hesitate to bring this issue back to the Assembly.

[Approbation]

The Bailiff:

The fourteenth amendment is accordingly withdrawn.

1.10 Proposed Government Plan 2023-2026 (P.97/2022): nineteenth amendment (P.97/2022 Amd.(19)) - Suspension of High Value Residents

The Bailiff:

The next amendment is the nineteenth amendment, Suspension of High Value Residents, brought by Deputy Mézec and the main responder will be the Chief Minister. I ask the Greffier to read the amendment.

The Deputy Greffier of the States:

After the words "Appendix 3 to the Report" insert the words – “, except that, on page 34 after the words “scheme for new entrants”, there should be inserted the following words, “and will therefore suspend the High Value Residents’ scheme in 2023 to enable the Government to complete this review before any new entrants are accepted”.

1.10.1 Deputy S.Y. Mézec:

I was not expecting that so quickly. The effect of this amendment is very simple. It is simply to say to the Government that for the duration of 2023 they will not accept applications under section 2(1)(e) of the Control of Housing and Work (Jersey) Law, those applications that are more commonly known either by their old title 1(1)(k) or as high-value residents, this being because there is currently a review taking place into the scheme. I would say that the fact that there is a review taking place into that scheme is itself evidence that the current scheme is operating in a way that is at least suboptimal. If it is agreed that the scheme is suboptimal, why would we continue to accept applications under it when we are accepting, by virtue of that review taking place, that the Island is being short-changed by that scheme and its current rules? What this would then enable us to do as an Assembly is to consider the outcome of that review, to then determine what we want to do with it, whether we want to reform how the scheme works, how its rules operate, or whether we want something entirely different. The Council of Ministers has lodged comments opposing this and there are 2 sentences in it that I wish to take issue with before moving on to some other points. The first is: "It is common and good practice for policies to be reviewed but that does not mean that applicants acting in good faith should have their plans interrupted." Well, I object to that as an approach because I believe that this policy, if it is to exist, ought to primarily be about the benefit to Jersey and not to the benefit of the applicants if their applications are suboptimal. I think Jersey should come first here, not those who are applying and if they are so keen to come to Jersey and are so desperate to be here for all that we have to offer, I am sure they will not mind waiting a little bit for their application to go through a new and improved system if that is where we get to. But it is the sentence that follows that in these comments that does bug me. It says: "We are also intending to review our policies around housing qualifications based on hardship but we are not going to call a halt on any hardship applications while we do so." Well, in my experience, having served on the Housing and Work Advisory Group, if you were to call a halt on hardship applications, it would have no effect at all because they are virtually never accepted anyway. Under the rules, it is extremely strict and I am aware of very, very few examples of people successfully being able to get their housing qualifications granted to them on the basis of hardship. Those are, I think, 2 things that cannot be compared in this way, whereas my recollection on the Housing and Work Advisory Group is that we really did appear to accept every application that came to us with very little questioning, very little questioning from the members of the Housing and Work Advisory Group with the exception of myself where the minutes from that group's meetings over the 2 years I served on it will show that I opposed every single 2(1)(e) application that came to us. In my report to this amendment I have attempted to elaborate on some of the experiences I had with that scheme and I note that there is not really, in the Government's comments, any clear response to the things I say in them. So I am going to deliver some home truths here that some might find challenge their preconceptions about this scheme. As I said, I served on the Housing and Work Advisory Group for 2 years and I saw the paperwork for dozens and dozens of applicants under this scheme. I suppose the majority of them were not notable. There were some that I regarded as disgraceful for having reached the Housing and Work Advisory Group and even further disgraceful the fact that they were accepted by a majority of the membership of that. I saw applications which came to us which did not include complete police checks, yet they reached us with a recommendation from officers to approve anyway. I think that is wrong. I opposed those applications, the majority of the membership of the group did not oppose them and we accepted them anyway. I saw applications from people who when you read about the source of their wealth and their income, something did not quite seem right about it. It did not quite seem likely that they were the kinds of entrepreneurs they were boasting of. When you Googled them you discovered that the source of their income was not as independent as you would think but came largely from their spouse and when you Googled their spouse found out that there was cause to be concern with them. Very clearly the application for 2(1)(e) status went through the names where less would come up on that Google search about their reputation and what they might be investigated for in other jurisdictions.

It is clearly a way of getting around it. I encountered several applications and started noticing that there was a business name that came up multiple times and it was a business that employed high-earning people in their branches outside of Jersey who wanted to bring those employees to Jersey and chose the 2(1)(e) route rather than just getting a licence to employ them. That route essentially gave the high-earning people - not entrepreneurs, employees who just happened to earn a very, very large amount - the benefit of being able to skip all of our housing queues, come in here to work for an already established business, no intention to form their own businesses or employ people or involve themselves in charity but will get a nice tax exemption for the privilege. This happened several times and I was told that this was a business that had located in Jersey with a wink and nudge to be told that the Government would help facilitate their locating here, a complete misuse of this scheme in my view. There are grave concerns over this scheme, some of which is on the moral basis of being uncomfortable with allowing people to skip the queue and get tax exemptions to do that. There are also contentions, which it appears the Government agree with, about whether the scheme in its current terms provides the best value for money and the best opportunities to allow Jersey to feel the benefit of high-earning people when they come here. I ask the Assembly to agree that while that review goes on we do not allow a scheme to continue in the short term where there are serious question marks over how it is managed, what kinds of applications come through and which the Government itself acknowledges is operating on a suboptimal basis, and we provide some breathing space. So that when that review has been concluded Ministers can come to the Assembly and say: "This is what we found. These are the changes we would like to undertake. How does that sound to you? Do you agree or not?" We can then express a view at that point.

[15:15]

In the meantime, let us not continue to sell Jersey short and let us not continue to open up for applications where there, as yet, has not been evidence provided that the scheme and the application of that scheme has been improved from some of the grave concerns that I raised while I was a Member of it and getting nowhere on that and constantly being denied answers to questions I was asking for because of the majority on that committee that did not care. Which in the Government's own comments to this amendment, where I have in my report explained some of these concerns, have had no attempts to have those answered either. I hope that Members will seek to play it safe and press the pause button on this scheme until we can be sure that it is giving Jersey its best outcomes. I make the amendment.

The Bailiff:

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

1.10.2 Deputy K.L. Moore:

Firstly, I would like to ask Deputy Mézec to not look at this Government and the current H.A.W.A.G. (Housing and Work Advisory Group) through the lens of the last one that he endured. I have great sympathy with some of the descriptions that he gave. I can understand where he is coming from. I can assure him and Members that the current H.A.W.A.G. takes this role very seriously. As Members see, we have already brought one amendment to the current rules, version 4, changing the minimum tax payable to any new entrants going forward. We are also immediately addressing some of the criteria that we are able to, such as the minimum value of residence that incoming people would be allowed to purchase and increasing that from the current value of £2.5 million to £3.5 million. I hope that that gives the Deputy an indication of where we are coming from and also where we are going to, in terms of the considerations that we give and the depth and care with which we take this responsibility. I can assure both the Deputy and the Assembly that the current members of H.A.W.A.G. are rather more assiduous in our considerations. In fact, this has led to some disgruntlement from some quarters, yes, because we have applied and asked a considerable number of questions. We have been known to turn down a number of applicants. Some of those applicants

have come back to us and asked to be considered under the inward investment rules. We have been able to find a very good accommodation and a way forward. We look forward to welcoming those new residents and businesses that they wish to bring to the Island and the revenue that they will therefore generate for the Island and Islanders, particularly in terms of the employment opportunities that they are aiming to bring to the Island also. This is very much a new era. We have already made a clear commitment to bring forward new rules, a version 5 of this category in the early part of next year. We will do that. We want to give the message that, yes, Jersey is a stable jurisdiction, and also we are open for business, and also we are very proud of what we have to offer. There are a number of people who wish to move to the Island to live, for a variety of different reasons, because we have a wonderful Island to offer. We do, as a community, welcome all people who come here, for a variety of reasons, whether that is to bring their skills and contribute to our healthcare and our education service or whether that is to contribute in terms of generating employment, jobs and revenue. That is one of the things that makes us such a cosmopolitan and interesting small Island jurisdiction and economy. If this amendment was accepted, it would only have impact for a very short period of time, for the reasons I have set out. However, it would have an impact on those people whose applications have already been made. It would be unfair to put that block on those applications because people do start to think about where they might live, where their children might be educated and it is very clear that those applications are under consideration and they are not, it certainly has to be said nowadays, a foregone conclusion. I would also like to end by saying that I do find this amendment slightly strained and somewhat at odds with the Reform Jersey manifesto. Indeed, as recently as September this year their amendment to our mini-Budget, which suggested a 25 per cent income tax rate for local residents was acceptable to them. However, they, in both of those publications pointed out that they did not wish or intend to make any change to the current 2(1)(e) schemes whatsoever. It might be helpful, in his summing up, if the Deputy could explain to the Assembly why they have suddenly taken such a change of view.

Deputy R.J. Ward:

Sir, may I ask a point of clarification of the Chief Minister's speech?

The Bailiff:

Are you prepared to give way for a point of clarification, Chief Minister? It is a matter for you.

Deputy K.L. Moore:

Yes, Sir.

Deputy R.J. Ward:

What it was, was the Chief Minister mentioned a number of applications that might be suspended. Can we know how many applications are currently in the pipeline?

Deputy K.L. Moore:

My recollection is that it is approximately 7 currently.

1.10.3 Deputy A. Howell:

This is a topic which I have discussed quite a lot with the Chief Minister. I would like to say that we do now have a new Government and we have a new H.A.W.A.G. Perhaps with the last Government things were out of kilter, but I now have confidence that this Government is going to address these issues. When we arrived there were 5 1(1)(k)s admitted every year. The last several years there have been considerably more. However, I have faith that the new Government will address this. I would like to say that we have some very good friends, who have come in under this scheme, and they are doing a great deal for the Island. They quietly contribute a great deal in their charity work and in many other areas. I would like to say that the scheme should not be completely suspended. We should wait for the review and we should endorse what the Government is doing.

1.10.4 The Connétable of St. Brelade:

I am pleased to follow the last speaker, in that I am well aware of the philanthropy engaged in by several of the people involved. I empathise with Deputy Mézec's proposition. It is time that a warning shot was fired, in that we have seen some, I dare to call them, questionable applications approved and question the economic benefit. We have seen commercial premises snapped up by individuals in this racket, with the result that the prices of these particular properties are driven up out of the reach of the local market, which is unreasonable and unfair. Likewise, we have seen large properties purchased, which is good for the large properties in the longer term, but of course it does tend to drive up building costs because these applicants are quite happy to spend rather more than the local market may be able to stand. The final point I would like to make in the H.A.W.A.G.'s iterations of their qualifications would be that the suggestion that house prices be raised to £3.5 million seems to me remarkably low in this very buoyant property market. I would request that they revisit that, because it seems to be out of proportion with what the market is showing at the moment.

1.10.5 Deputy M. Tadier:

I ask a question. I am not just asking it of my social democratic friends in the Assembly, but hopefully to every Member. When we make policy or when we continue policy in the Assembly and Government does fairness matter? Is fairness a consideration? The way I look at the current 2(1)(e) scheme and ... of course there will be people who can speak in favour of it and people who can speak against it and cite, as the Constable cited, some potential downsides and Deputy Howell has cited some of what she thinks are the advantages of both the scheme and the individuals who come in under the scheme. Let us look at some undisputable facts. I have been dealing with a constituent who was born in Jersey. She had to leave Jersey just before she was 5 years old because there was quite a difficult break-up in the family. Her elderly mother now lives back in Jersey, remarried. She wants to move back to Jersey so that she can look after her mother. She wishes to buy her own apartment nearby, living on her own, but be on call for her elderly mother and elderly stepfather. She wants to do what she thinks is the correct familial responsibility, looking after the mother who looked after her when she was young. Under the current rules that we have in place in Jersey she is not allowed to live in the Island that she was born in. Certainly she is not allowed to live here in her own property, even though she has enough money to buy a property to live here and to do what most of us would instinctively feel is the correct and right thing to do. On the other hand, a Russian oligarch can come to Jersey and keep lots of money here. We do not need to name any Russian oligarchs, even though I could and I am allowed to do that as it is in the public domain. We can roll the red carpets out for people who do not live here to come over and say: "The rules do not apply to you. There is usually a 10-year waiting list for people. Indeed, this woman if she wanted to come back in ... it has been through the usual channels. It is something which I am continuing to work on. I may have to bring a separate proposition to the States to deal with people in her situation. We will deal with that when we need to. The rules do not allow that person to live in Jersey. If she wanted to come back under the current rules, she would have to live in a rented proposition or somewhere for 5 years before she could then get her qualifications to be with her mother, who I hope will still be around for many years to come, but it is not guaranteed. She is about the same age as my late mother. So let us see how she gets on. Does fairness matter? For me, certainly it does matter. When we hear platitudes that are rolled out saying we can justify the current scheme that we have, on the basis that it may not be fair, but the outcomes which it produces for the wider community are, on balance, acceptable, because it allows us to do other things and it allows us to generate money to provide better outcomes; on balance that is fair. That has never been proven. Nobody has ever come back with any cost-benefit analysis of how that scheme works. Until that scheme has been proven then those who are espousing the value of the scheme should say: "Let us pause it until we have tested it." It does not mean we are going to deport anyone. Those who are here under the current rules of the scheme will stay here. They are not going to be asked to leave the Island. They will be able to continue to do the good work that they do, if indeed they do that. I am sure they do in the case of

Deputy Howell's friends. That will not necessarily be the case and I want to see the workings for that. There are reasons to be ideologically opposed to the inherent unfairness that the scheme proposes, because there are 2 inherent unfairnesses. One is that you get to jump the housing queue, which other people do not, even Jersey-born people. The second is that you get a highly beneficial tax rate. This is not about rich and poor or rich and not so rich. A Jersey-born multi-millionaire, who already has their residential qualifications, has to pay how much tax? How much tax does a multi-millionaire who is earning millions of pounds a year in Jersey? They pay 20 per cent tax on all of their income, do they not? They do. They pay 20 per cent. If you are Jersey-born multi-millionaire who is getting £10 million a year you will pay £2 million in tax a year. If you are not a Jersey-born multi-millionaire and you have been invited to the Island under this scheme, you pay a vastly reduced amount of tax compared to the Jersey-born multi-millionaire or even maybe the not Jersey-born but the person who has their qualifications and made their money while they were here, no doubt through their hard work.

[15:30]

Is that fair? I am asking that question: is it fair? Does it not put the person who has been brought in under this scheme in an unfair competitive advantage vis-à-vis the other individual who has made their money, might have exactly the same income, paying more tax? The answer is indisputably: yes. If those who are open-minded to the scheme and think it should continue then I want to see the working in order to justify those inherent and indisputable unfairnesses in the scheme before we continue to endorse it. The last 2 points I do need to respond to is that, of course, the 25 per cent income tax rate that we were proposing did not include 2(1)(e)s, because it is a completely separate system and that needs to be dealt with through a different proposition. This is effectively that proposition. It is saying: let us look at that scheme, because the 20 per cent marginal rate does not apply to them and all their earnings anyway. That is that point dealt with. With that, I will be interested to see what the Government response is.

1.10.6 The Connétable of St. Mary:

In a former life I was partner in a legal practice which as part of its trade did act for many wealthy immigrants and 1(1)(k)s. At that time, they came without any hesitation or fear of being heckled or whatever it might be by the local population. The reason for that was that the number coming in at that stage, 10 to 12 a year, was relatively limited. They were buying properties for a certain value, which were not within the scope of an ordinary person's, if there is such a thing, pocket. Further, they were paying 20 per cent on their full income. They became a full Jersey resident on being imported. That is the difference we have now between that and the present situation. I do not necessarily disagree. Certainly there was at that time a wealth test as to how or why you should come in. That was done in a much more informal way than it is now. If you passed that test and could satisfy the Government of the day, mainly the late Enoch Powell, if I am allowed to say that, then you were allowed in with everyone's blessing. That did not cause a problem. Where we are now is that there are, first, a larger number of incomers than there were previously, which skews the market. Secondly, above all, when they do arrive and get their permission one of their benefits is that they only pay 1 per cent tax on income over a certain figure. It is that aspect, which is the most divisive of all. If they pay the full 20 per cent, I do not think people would mind. I do question whether that 1 per cent is a practical disadvantage. I recall during the course of the last Assembly I lodged a question for the Minister for Treasury and Resources, who replied to the effect that the average tax received by such persons over a 3 or 4-year period was to the order of £3,000 or £4,000 per applicant. If an applicant is coming in and is able to justify that they are going to pay tax on a certain figure, which means income of not far short of £1 million, most households can reasonably live on that. Most people take the view that if they need anything further they will not bring it into Jersey. If they need more funds they will perhaps cash in on certain parts of their portfolio, no capital gains tax, so they will not be disadvantaged. I do ask the Government, when relooking at the current plans, as to

whether they wish to keep that 1 per cent rate, because it is a divisive part of the overall policy at present. A lot of problems will be solved if they reverted to the full 20 per cent. Although I fully accept that that does not meet Deputy Tadier's point that they are still going to be ... well, it does. Local residents who have a greater income than that can so arrange their affairs that they reduce their income below a certain figure. I do not think that would be a discriminatory aspect. I do ask the Government to look at that aspect in particular.

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

During the past few months, I have been engaging with Jersey's sporting clubs, associations and organisations. I have seen many different themes emerge from those conversations. One reoccurring theme has been the extensive contribution that Jersey's high value residents make to our sporting community. Many make large financial contributions on a regular basis, but their support also extends beyond simply money to contacts, ideas, practical help and volunteering. To quote one conversation with a local sporting group, they urged me that if I could do one thing in this term of office to support sport it would be to please do not stop high-value residents being able to come to Jersey. I place that on record now on their behalf and on behalf of other sports organisations and individuals who benefit from the support of high-value residents who commit time and money to sport in Jersey. Deputy Mézec questions in his report the evidence of the contribution made to our community by high-value residents. I would respectfully suggest that this is one example. I know that the head of high-value residency is always very happy to meet States Members who want to learn more about the scheme. I am confident in saying that if Deputy Mézec or others would like to hear directly from sporting groups who benefit in this way then I am sure this can also be arranged. I personally remain open to further discussion around the high value resident regime in due course. However, I do support Ministers at this stage in their view that halting the scheme now and in this way is not the right approach and could be disruptive to a scheme which does have benefits for our community.

1.10.8 Deputy P.F.C. Ozouf:

I sound a bit like a broken record sometimes and I apologise for that. [**Approbation**] That was mainly Reform. I do sound like a broken record, because I stood in this Assembly in 2012, which brought in the high-value residency scheme on a statutory basis. Before that it was known as (k)s. For the first time it was brought in with a tax contribution which would go up by inflation; the minimum of then, in 2012, of £625,000. It has had a number of iterations since then. It has been increased now and the Government is bringing forward a further increase to that minimum contribution up in line with the existing arrangements, up to £850,000. When the original plan was brought in, and some Members have spoken about the 1 per cent, what was happening is that (k)s were coming here, but they were dropping off all their assets in Guernsey and other offshore centres, so that they just paid their minimum tax contribution. We changed it in order to, basically, ensure that they brought their business to Jersey. There was also supposed to be a social and economic statement done. I never sat on the H.A.W.A.G. - goodness knows what happened in the last Government - but when I brought forward and gave undertakings to the Assembly of what would happen, it is an income tax law, which is a decision of the Chief Minister. It is a tax law, but every application has to go through a set of criteria, an application seen whether it fulfils that criteria. The only thing that is a statutory basis is the tax contribution, the other things are guidance and are policy issues. Policies are changing and that is what the Government is doing, they are changing the policies, under the Chief Minister's leadership. She made it very clear of the social and economic value that she wants. We do not want detriment or individuals that are coming here and not doing anything in contributing to Jersey. Those are discretionary issues which the then H.A.W.A.G. group made. There has been a great deal of disquiet made by members of our community, I heard it at the election, about the activities of some 2(1)(e)s. There is a lot of unfair speculation about some of them. One of the things I know and, of course, one cannot talk about it because they are private

matters, but I know numerous 2(1)(e)s that abide, they live by ... and I interviewed some 2(1)(e)s when I was making some of the decisions as Assistant Chief Minister. I see the Minister for Treasury and Resources nodding. I made it very clear to them that it was not just the tax we were interested in; we were interested in all the other benefits that they were going to bring to Jersey. All of the other benefits that the Assistant Minister for Economic Development, Tourism, Sport and Culture, Deputy Stephenson, has spoken about so eloquently. There are other Members of this Assembly that know the huge amounts of assistance that some of valued 2(1)(e)s give to Jersey. That is quite apart from what they put into the local economy. As the joint Minister for External Relations and Financial Services with Deputy Gorst, I am very concerned that putting a hold on the scheme is going to stop some applicants ... I am not a decision-maker on the group, but I am aware from consultations with Deputy Gorst of a number of applicants that are going to be bringing some really exciting funds to Jersey. These are green funds. These are all sorts of innovative funds that are going to create real value to Jersey. I am not talking about a few jobs here and there. I am talking about hundreds of millions of pounds of funds that are going to come. If we go with Deputy Mézec, and I am not sure whether he saw some of these really good applications when he was sitting on H.A.W.A.G. or whatever he was doing there as Minister for Housing and Communities, but all I know is that the applicants who are currently... as I understand, I do not know any of the names of them, but I have heard about some of the nexus and the funds that they are going to be bringing, are absolutely really significant. They are really important to the future of Jersey. They are really important in advancing green finance initiatives, innovative funds where we are winning business from the United States, we are winning business as a funds jurisdiction of choice from other jurisdictions. There is a flight to quality. There is a flight to stable finances and to security. This is what we stand for in this Assembly. That is what we want. There is a pejorative name for some 2(1)(e)s that do not do anything. We want active 2(1)(e)s that benefit our community, that benefit our not-for-profit organisations, and that benefit the international community, that benefit Jersey as a whole. You cannot necessarily write a policy that says that, but you can see it clearly when you see it. There are so many different diversified activities that some of our 2(1)(e)s do. We should publicly say ... and I am standing in the Assembly to say: "Well done. Thank you," to the advisers and to the 2(1)(e)s and to the people that work for the 2(1)(e)s for the huge contribution that they are making to Jersey. They have choices about where they go. If we say no, they are going to go somewhere else. Is that good for our community? Is that good for our economy? Is that good for sport? Is it good for any of the other investments that they make? By the way, Members are under some sort of illusion that they simply pay the tax contribution of the minimum tax contribution, the 1 per cent. Anybody investing in Jersey and property pays 20 per cent on their property. They are regarded as property developers. They pay 20 per cent. It is like a capital gains tax. If they are investing in housing sites, they pay 20 per cent. I wonder how many Members know that. I wonder how many Members know the standardised rules that it is not a fact that there is one rule for one and one for another operating in a local economy. There is not, in relation to property development and other matters such as that. They pay tax at 20 per cent. They have to. They are the rules and they are stuck to. Under the chairmanship of our Chief Minister and other colleagues that are on H.A.W.A.G., they have said no, they are not satisfied. They are being tough; action not words. There is also discussion with the fast review that the Minister for Treasury and Resources is undertaking to increase the minimum tax contribution, so that we can get even more out of 2(1)(e)s, because the international situation has changed. Let us carry on with the current scheme, with the arrangements that are within the budget, let us look at it, let the H.A.W.A.G. group, as it was, change those criteria that it can, the policies that it should to further enhance the reputation of Jersey, further improve the situation of Jersey. Simply turning this off, as Deputy Mézec is suggesting to do, is not the right thing to do for Jersey. It is not the right thing to do for our financial services and trading services business. It is not the right thing to do for our not-for-profit sector. What is, is action, in terms of a review, that is already going on in the last few weeks.

[15:45]

Maybe the Chief Minister will talk about some of the things that are being consulted on in terms of the review to further improve it. Whose side are Members on? Are they on the side of Jersey? It is of Jersey ... I took my oath of office in relation to dealing with making decisions on my conscience in the interests of Jersey. It is basically people who come here, who have choices of other jurisdiction, and we are an expensive jurisdiction, let us be clear about that, we want those people to come and spend and create value, economic jobs, economic growth, the jobs of the future, in green finance, in funds areas. Deputy Tadier is doing that. Yes, I want lots of money for Jersey. I want lots of money for public services, of people paying tax, well-paid taxes, people who are saving money for the public purse in sports facilities and other aspects like that. That is what I want to see. That is why we brought in the arrangements in 2012. They have been improved. Every journey starts with a first step. It started in 2012. There were further steps made. There were some backward steps made in the last 4 years. We cannot change that, but we can change the future and we can change now. We can change now by saying we are going to support the Chief Minister in her forensic detailed review with other Ministerial colleagues, we are going to support this additional increase that we have coming later in the Income Tax Law for those new people that already coming in, that are going to be paying that minimum rate of tax. Then probably the Chief Minister is going to go further. That is a really good thing. That is what is in the interest of Jersey. When I say, respectfully, if Members are wanting to support the Jersey economy, to send out a clear message that we are welcoming people who are going to contribute, then they will not approve Deputy Mézec's amendment and they will support the Government in their continued and fast work to improve further the economic interests of Jersey, the social interests of Jersey, and all the other things that we need to attend to in a massively difficult world. I urge Members to vote against the amendment by Deputy Mézec.

Deputy T. Binet:

I am sorry to be doing this at this stage, but something has sprung to mind by way of a declaration of interest and I seek your clarification. Deputy Rose Binet and I jointly own an apartment that we currently lease to a 2(1)(e). The lease comes up towards the end of next year. That may make it available for someone else who may happen to be a 2(1)(e). I wanted to clarify whether that conflicts us and whether we should withdraw from voting, Sir.

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

Thank you, Deputy. You gave notice of this in the chat and I did have an opportunity to mention this to the Bailiff. The view is that this is an interest to declare, as it were, which you have done, but that it is not an interest that would require you to withdraw from voting, because the amendment is seeking to close the scheme to new applications rather than close it to existing high-value residents. Your interest has been declared.

Deputy T. Binet:

Thank you for the clarification, Sir.

1.10.9 Deputy R.J. Ward:

I will be quicker than 10 minutes 23 seconds and a lot gentler. There are a couple of points. First of all in terms of sports funding, what the rugby, football and cricket want on this Island is a truly sustainable, protected and secure source of funding, not being reliant upon the goodwill of those who are extraordinarily wealthy and get a benefit from coming over here. If we are going to develop that, that is what we should be developing because it is not secure at the moment and there is no certainty in the funding for sport. That deals with that one. Can we get back to the amendment, rather than all the tirades about our love of the wealthy coming over and what they do for the Island? This amendment is about suspending a scheme that we are all unsure about until the review comes out. That is what it is about. Those 7 applicants may well be the wrong applicants. If the scheme is wrong

they could be allowed to come to the Island under a scheme, which does not work, before the review comes out. The day after they have said yes, the review comes out and says we should not be doing it that way but then we are stuck with people. This is about making sure that that scheme is right. The Government knows they want to review it. They are saying they will review it. Get on and review it, but suspend the scheme as you are doing it. To be quite frank, for prudence in this scheme and for the good of Islanders, they should have suspended the scheme until the review came out so we knew we were doing the right things. I will read one other thing, a freedom of information request, to give the other side of the coin, in 2021 93 people on income support had to take loans out from the Income Support Department to pay for carpets in their new Andium homes. There is a context for you.

1.10.10 Deputy K.F. Morel:

I would like to thank everyone who has spoken so far, it has been a very interesting debate. Listening to Deputy Ward there, and I found it interesting that he talked about prudence in a way to suggest that if this scheme continues today in the form that it is there is some sort of major danger. There is not. All of the applications are looked at individually, not just by officers but by all of the Ministers on the Housing and Work Advisory Group. There will be no one coming in between now and the end of the review that is being undertaken who is not appropriate for this Island, both in terms of their wealth and also in terms of their social engagement and their community feel. In that sense, there is not a need for prudence that Deputy Ward suggested because we are all, as Ministers, being very prudent. I found it very interesting ... and I understand why Deputy Mézec has brought this amendment to the Government Plan in many ways, because the question of the high-value residency scheme is one that is shared by many Islanders. You do not have to go far out of the doors of this building to find someone, if you were to ask them, who would question the value of the high-value residency scheme, because it is a scheme that many Islanders do not understand, many States Members do not understand, many Ministers, until they engage with it, also do not necessarily understand. It is totally natural that it is questioned here in the Assembly, because it is questioned out there in the streets of the Island as well. However, over the years I have seen, as a States Member and as I have then come into Government first as Assistant Minister and then a Minister, the value these people bring to the Island. Many of them bring enormous value, not just financial value, but they engage so clearly with the community in many different ways. I am seeing that in the culture and art space. Deputy Ward, at the very end of his speech there, was talking about sustainability of sport funding. Absolutely right, the sustainable element of funding will come from Government investment, but there are other elements of funding, whether it is for capital projects, whether it is for particular events, where high value residents are really keen to engage. They are incredibly helpful where they do that as well. That is exactly the same for the arts, culture and heritage as well. I have been heartened since I became Minister for Economic Development, Tourism, Sport and Culture to see not only the work that is done within the department looking after the high-value residency scheme, to see the work that officers do to make sure that all the applications we see meet a certain standard, also the engagement of Ministers to firstly really want to understand the scheme and really want to understand how we can get a better scheme. We have had so many strong conversations where our views have been listened to by officers and by other Ministers as we look to seek to gain ... not to throw out the scheme, but to improve on the scheme, to make sure that Jersey gets the value that it needs from this scheme, so that high-value residents deliver the value financially and socially to Jersey. I am convinced that we have got to the right place. We have got to a place where we are able to see a way forward that does bring greater financial value to Jersey, almost certainly will bring perhaps fewer applications, but those applications will be of a quality where we will all feel very comfortable that the people engaging are here to be economically active over a long period of their life, they are here to engage in the community and to support the community. They are here for the right reasons. I am convinced that we have got to that place. I am really pleased that the Ministers that I work with around the table have also listened. They have come on a journey. Some Ministers

started by saying shortly after the elections: “Let us stop this scheme.” Then by engaging and understanding they have grown to understand that there is value in this and, more importantly, there is even greater value that we can get from it. I do ask Members to reject the amendment proposed by Deputy Mézec because it will do no help to anybody whatsoever. All it will do is mean potentially some lost income for Jersey. Our review is already underway. We have very strong positions on it. We will be consulting and publishing on that and pretty much by the middle of this year there will be a new scheme, which I believe will show all Islanders that there is value to be brought from this. Yes, please do reject this amendment.

1.10.11 The Connétable of St. Helier:

For years I have been persuaded by people like Deputy Ozouf, Deputy Gorst and other Members who are no longer in the Assembly, that there is nothing at all wrong with what used to be called the 1(1)(k) and is now called the 2(1)(e) scheme. I have taken their reassurances that it is good for Jersey and I believed them completely, only to discover in more recent times that that has not always been the case. Not only have some people been allowed in under this ticket who we would have been better off not having living in the Island, but the old argument which you so often used to hear about trickle-down economics clearly does not benefit everyone. It does not trickle down perhaps far enough. I always used to tell people who challenged me, particularly when abroad, about the ability of people to come here and avoid the housing restrictions that apply to everyone else: “The money they bring in benefits the economy hugely. It trickles down to benefit gardeners and plasterers and tilers and buildings and so on.” However, the more people I speak to tell me that that is not happening. A lot of these tradespersons ... and I cannot really blame them, if I had to do a tiling job and move around every week or so and someone said you can spend the whole year tiling my patio, I would probably go for the latter offer and the pay would be better as well. There clearly is a problem that that trickle down argument is no longer applicable. I am also very aware of the fact that what is being proposed here is not to close the door, it is a moratorium. We are being asked to suspend new applicants while these principles are explored further and the reports are done. I have not decided yet which way I will vote, but really importantly if this amendment were to be accepted it would not devalue the contribution that has been made by past and present people who have come into Jersey under this option. You would not be saying to them: “Stop putting money into sport. Stop putting money into culture” because they are here and they are contributing. I have to say, and again I do not know because I have not seen the report, there are people in this category who appear to come in for a weekend in the summer and perhaps a weekend at Christmas and for the rest of the year a large property is left empty. That may be hearsay but we do not know. Members do not need reminding that times have changed. We have a housing crisis. We have people who cannot afford to move into the house of their dreams. While this scheme is operating that must surely be a bitter pill for them to swallow. We also have double-digit inflation, which is again making it very hard for ordinary Islanders to access the services of the tradespeople they want, because they cannot afford to move, they want to do up their properties but the tradespeople, some of them at least, appear to be busy working in these rather large mansions. There are arguments that are worth listening to here. I will follow the debate with interest. I may even support the amendment.

[16:00]

1.10.12 Connétable M. Labey of Grouville:

Sadly, I have to admit I returned from horticultural college 41 years ago into an industry that was decimated and sadly lacked the support of this Government. That was a Government long ago. Since then, successive Governments have not supported it either. What I would like to say about this particular topic is I was very angry at that time as a young farmer about the number of properties around the Island that were being lost to our industry. However, as we know, in the successive years they would have been lost anyway. As a postman for 23 years I got to deliver to these properties. Literally those properties would not be, and I use the term very literally, littering the countryside.

Those poor farmers that could not support those properties would have allowed them into disrepair. However, now some of them are quite magnificent and are a great credit to their Parishes and to their owners. I have changed my mind completely in those 40 years. I am very fortunate enough to know 2 of these individuals, as Deputy Howell does as well. One of whom has paid for a tree planting scheme in the Parish of Grouville and who allowed 50 children from Year 4 at Grouville School to go out and plant some trees. That is the sort of thing these individuals can do. Another individual, who is spending a great deal of money on his property, on local building companies, to turn it into an eco-house and who has offered his software system to run a carbon offset tax over here in Jersey. They are contributing and I would like to say I cannot support this amendment.

1.10.13 Deputy M.R. Scott:

I want to express my support for the Minister for Economic Development, Tourism, Sport and Culture in terms of his argument. I have explained in respect of one proposition the problems that we have with our economy. This is not the time to kick away one of the legs.

1.10.14 Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter:

It has become a great hobby of the new Government to bash the last Government. Of course, that Government probably bashed the Government before that. However, I wanted to, for the record, say that the previous Government, the Gorst Government, did tighten up on the numbers. The previous Government, the Gorst/Ozouf Government gave 85 permissions in their time. The last Government gave, it is 63 here and until June, so it is about 70. Of course, during that time, the previous Government increased a lot of the conditions around coming in. I wanted to make that point for the record. Also, it is absolutely essential we have a review of the scheme. There is absolutely no doubt that the scheme does, as previously reviews have shown, provide more benefits and more advantages than disadvantages. Of course, things change as times change and economies change and I look forward to seeing the results of the review. I am confident that we will see the scheme is beneficial to Jersey. I agree with part of the amendment about the review. However, I do not think it is necessary to have a moratorium at this stage. I understand that the new Government are carrying on the excellent work of the previous Government and tightening up the scheme a little bit further, just to make sure it is appropriate for the Island.

1.10.15 Deputy A. Curtis:

Firstly, I would like it if Deputy Mézec, in his summing up, could explain whether he is looking to suspend the current scheme, that is version 4, that should the Government bring a version 5 during 2023 to the States Assembly for approval if, should the States approve that, he thinks that is an appropriate interpretation of the closure of suspension of the scheme. Now on to looking at one of the reasons why this is being proposed ... should be rejected, which is the impact on those existing applicants. Deputy Tadier was absolutely right and on the mark when he said we should consider fairness. I am glad Deputy Ozouf asked us on which side of Jersey we are on. Hopefully this example will tell him which side I am on. It is a real example. It is an example of a friend of mine who is Jersey born with almost but not 10 years of life on Jersey. They came back a couple of years ago. They were trapped here during COVID-19. They have no rights to work here. They have no rights to rent or to buy. They were stuck here and they asked Social Security on the phone if there were any examples or special circumstances that would allow them to live with dignity on this Island. They were told they had no right to appeal; none. Now that is not true if you read the Control of Housing and Work Law where one can always appeal to the Minister, but this is what they were told. They were told there is no proof they were born here, with a Jersey passport. On a further ask for an appeal, they were told: "Do you not know we are in the middle of a population crisis?" It was followed by: "We cannot just let anyone in." Their comments go on. They are for locally-born people and people who come here with less than 10 years, but come here with good faith. I would like us to think that we should be really addressing some of the roots of the Control of Housing and

Work Law that allow people who fall through the cracks to start being treated with compassion and support rather than being demonised or utterly dismissed. If this Government is looking at those 7 people and wondering the impact to their families and to their children who might work here, I would like them to start considering the many Islanders who do live here, who are living day to day without homes and day to day without rights to work. That is fairness.

The Bailiff:

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

1.10.16 Deputy S.Y. Mézec:

I thank Members who have contributed to this debate. There was a phrase that Deputy Morel used multiple times in his speech which I want to come back on. He kept saying “do not understand”. He acknowledged that there are people out there in our society who have misgivings about this scheme. Then he carried on with that saying “do not understand, do not understand”. I should tell him that there are people who, the precise reason that they dislike this scheme, is because they do understand. I spent 2 years of my life very closely connected to the application of this scheme. I have been through piles and piles of paperwork, examining the fine print of applications when they were made and had an active decision-making role in that scheme. It is because of what I saw and what I understand from my close connection to that scheme that I feel incapable of supporting the scheme continuing until there is hard evidence on the table that the scheme can be improved and that those abuses of it, in my view, can be prevented. He said that there is now no one who is coming in who is not appropriate. Deputy Moore reminded us that it is a new H.A.W.A.G. That is great and I am pleased in the direction of travel that the Chief Minister has outlined in terms of thresholds and whatever. I completely support that. It is not good enough just to say: “It is new people in charge now, so trust us. Everything is better.” We do need something more tangible to know that for sure things have improved. I raised 3 examples of things that I am aware of occurring in my time at H.A.W.A.G. that I have not had clear assurance of and instructions have been given to officers, both in the Government and in Locate Jersey, that are not to happen in future. Have they been told: “Do not present an application to us if it does not contain a complete police check”? Have they been told: “If somebody is applying through this scheme, but it is more appropriate that their employer applies for a licence, do not bother putting this application in front of us”? Have they been told that: “If the applicant’s spouse comes up with potential reputational concerns through background checks on them or even a simple Google search, not to bother putting that application in front of us”? We have not had any clear confirmation that that is the case. If new members of H.A.W.A.G. are taking a more robust approach, I support and welcome that, but words to assure us that that is the case is not the same as tangible evidence that improvements are being made in these processes. That would have been helpful to have seen that. Speaking of tangible evidence, I move on to comments from Deputy Stephenson about experiences of sports organisation out there and the support they occasionally get from 2(1)(e)s. I am sorry, but that is nothing but anecdotal. It may well be the case that there are plenty of examples that we can find and evidence that it happens, but it is a mere closed view on one particular view that somebody encounters through their life experience. It is not data. Data is what matters. How many of these people are contributing? How much are they contributing? If we do not know that but we say: “Oh, I happen to know a sporting group that got donations” that is not hard enough evidence to make a proper decision on. What I do remember from my time on H.A.W.A.G. is there were a disproportionate number of applications that with their cover letter included some reference to rugby. There were a very large number that were coming to us for approval where they said in their letter that their intention was in some form or another to get involved in supporting rugby on the Island. I remember the then Senator, Steve Pallett, putting his hand up and saying: “Why do they never come offering to support netball?” I have to say that if it is really the case that our sports organisations there are dependent on the completely voluntary and unreliable,

ultimately, charitable contributions from people who come to Jersey for financial reasons to survive, I am worried about that. Our sports organisations deserve to have a more reliable and sustainable funding source to enable them to thrive and enable our young sports men and women to have the opportunities without having to rely on unreliable donations from people who purely from getting up on a different side of the bed in the morning may decide that day they are not going to give donations. They are perfectly within their rights to do that. That is not a good way of ensuring that our sporting organisations get funding. That really goes back to the central point of this scheme: to bring in revenue that we otherwise would not have if those people were not here. Is that really a safe and stable way of funding our public services, to rely on the occasional person coming forward to move to Jersey for the tax advantages and, without that scheme, Jersey is left worse off? I personally find that very worrying. Deputy Curtis asked a very specific question about version 5 of this and where this amendment would leave that. Of course, if we get to the point where the Government has completed a review and has proposals about how it wants to continue with it in whatever form that may be, it is perfectly within their rights to come to the Assembly and ask for our approval at that point and we can make a judgment on that and whatever decision we make will stand. Deputy Ozouf, one of his more animated speeches since his re-entry into this Assembly. I have to say that I wish people would get as exercised about helping some of the poorer and more marginalised people in our society than they do about protecting the tax privileges for the very few. That is not the politics that I share. I find that very disappointing. The very last point I will make in reference to a point the Chief Minister made early on in this is that she attempted to compare Reform Jersey's positions on this subject compared to previous positions she has taken. I think she has misunderstood them. Our manifesto clearly says in it on page 11: "We will suspend the high-value residency scheme until a full and comprehensive cost benefit review has been undertaken." That is precisely what this amendment does. She points out that another amendment we brought to the mini-Budget had a clause in it specifically excluding 2(1)(e)s from it. I can tell her very simply why that is the case. It is because they are 2 separate issues. There had to be a specification in that amendment that did not apply to 2(1)(e)s because of the complications that would put in it when it was not the point of that budget amendment to affect 2(1)(e)s. That is to be dealt with later which is what this is, so there is no inconsistency in that position. Before calling for the appel, I would ask Members to consider what message it sends out to allow a scheme which it seems like everybody agrees is suboptimal to continue while a review goes on when those applications that have currently been put in under the current rule, 7 or so I think the Chief Minister said there was, I remind Members that none of those 7 have a right to come to Jersey. To come to Jersey is a privilege through this scheme, not a right, and if we democratically decide the rules we currently have are not quite good enough for what Jersey deserves, we are going to improve them, we can say to those 7: "If you are still interested come back when the new rules are in place."

[16:15]

But the new rules will more closely reflect what the people of Jersey want and how we value the criteria which people have to meet to come into the Island. They have no right to come here under the current rules. There is nothing wrong in democratically saying: "Sorry, we are suspending this for a moment because we think Jersey deserves better." They should not have any expectation whatsoever that their application be accepted and whether it is good faith or bad faith has nothing to do with that. The scheme is meant to be for our benefit, not the applicants' benefits. On that I call for the appel.

The Bailiff:

The appel is called for. I invite Members to return to their seats. The vote is on the nineteenth amendment, Suspension of High-Value Residents, and I ask the Greffier to open the voting. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The amendment has been defeated.

POUR: 15		CONTRE: 33		ABSTAIN: 1
Connétable of St. Brelade		Connétable of St. Lawrence		Connétable of St. Helier
Connétable of St. Martin		Connétable of Trinity		
Deputy G..P. Southern		Connétable of St. Peter		
Deputy M. Tadier		Connétable of St. John		
Deputy M.R. Le Hegarat		Connétable of St. Clement		
Deputy R.J. Ward		Connétable of Grouville		
Deputy C.S. Alves		Connétable of St. Ouen		
Deputy S.Y. Mézec		Connétable of St. Mary		
Deputy T.A. Coles		Connétable of St. Saviour		
Deputy B.B.S.V.M. Porée		Deputy C.F. Labey		
Deputy C.D. Curtis		Deputy S.G. Luce		
Deputy L.V. Feltham		Deputy L.M.C. Doublet		
Deputy H.L. Jeune		Deputy K.F. Morel		
Deputy R.S. Kovacs		Deputy S.M. Ahier		
Deputy A.F. Curtis		Deputy I. Gardiner		
		Deputy I.J. Gorst		
		Deputy L.J Farnham		
		Deputy K.L. Moore		
		Deputy P.F.C. Ozouf		
		Deputy P.M. Bailhache		
		Deputy D.J. Warr		
		Deputy H.M. Miles		
		Deputy M.R. Scott		
		Deputy J. Renouf		
		Deputy R.E. Binet		
		Deputy M.E. Millar		
		Deputy A. Howell		
		Deputy T.J.A. Binet		
		Deputy M.R. Ferey		
		Deputy B. Ward		
		Deputy K.M. Wilson		
		Deputy L.K.F Stephenson		
		Deputy M.B. Andrews		

1.11 Proposed Government Plan 2023-2026 (P.97/2022): eleventh amendment (P.97/2022 (Amd.(11)) - Ringfenced Stamp Duty

The Bailiff:

The next item of Public Business is the eleventh amendment, Ringfenced Stamp Duty, lodged by Deputy Andrews. The main responder will be the Minister for Treasury and Resources, and I ask the Greffier to read the amendment.

The Deputy Greffier of the States:

Page 2, paragraph (i) - After the words “Appendix 3 to the Report” insert the words “, except that on page 35 of Appendix 3, after the words “Further changes to Stamp Duty” insert the words “, which will include the provision that Stamp Duty raised on properties exceeding £2.5 million will be

ringfenced to provide funding for Assisted Home Ownership Schemes, such provision to be implemented by 1st January 2024”.

1.11.1 Deputy M.B. Andrews:

I have been very concerned about our young generation and, many of our young generation, they are in rented accommodation and they aspire to be homeowners. However, what we have seen is our housing market being in a position of partial market failure. There is distortion in our housing market in prices relative to households and households’ income and also their ability to save a sufficient amount to afford a down payment. What that means is that many households continue to be renters and also many households, especially among the lower and middle decile households in our Island, continue to have a disproportionate amount of their income be spent as expenditure on rent. That is a problem because again there has been a shortfall in investment in building more housing supply. Of course, this has exacerbated our problems in terms of demand from inflation where prices keep on going up. It means the reality of becoming a homeowner is again becoming ever more diminished and something must be done. Now I am a firm believer in positive liberty. What that means is the Government has to be the enabler, we have to provide a provision. There are provisions in other jurisdictions where the Government is involved, the Government has taken the initiative, the Government will provide home ownership schemes. Now, if we are to look at the U.K., the help to buy equity loan scheme, for instance, is one method of assisting home ownership. The mechanism that is in place is to provide support to those who are trying to access home ownership. In London there is a 40 per cent equity loan that is available for households to support them. But it must be said if we are looking at the Government providing a shared equity scheme, for instance, it means that also there is a reduced level of capital repayments throughout the tenure of the debt obligation being made payable as well. It is about assisting households, it is about making sure that they have the ability to match bank lenders’ criteria that they set. It also means that the Government has to build a relationship with the banks domestically because we all need to be in this together and what we are seeing at the moment is Jersey becoming very much a liberal meritocracy. It is all about individual mobility and what we have not seen is a government be the interventionist, we have not seen the Government develop any strategies. I mentioned yesterday of the importance that the Government takes a proactive, long term and sustainable approach because the thing with politicians is every 4 years we have to go through an election. As we have seen in the June elections, there was a huge turnaround. The Council of Ministers, most of them were not re-elected and they were not re-elected on the basis that they were not being reactive and not reflecting the interests of the Jersey people. Jersey’s housing crisis is our biggest problem and certainly this Assembly needs to do something about it because, if we do not, in time the public will start to resent us as a collective, and that cannot be the case. Now we have the opportunity and we need to do something, and we need to do something as a collegiate Assembly. I find it has become ever more difficult this early on because there is an imbalance in the Assembly in terms of where politicians stand. Now for me I am very clear what I stand for and I do believe that, yes, the Government has to provide a provision and hence why I have come into this Government Plan. I have come in with a number of amendments because it is vital that the electorate who voted me in see that I am being proactive, I am being innovative with policy and I am trying to drive progress forward, and I think that is very important here. There is a clear intent, and I hope Members support me on this basis, because not only have I come up with a plan, I am proving where the source of funding is coming from, and that is also the important thing in terms of what I have done with this amendment because often politicians are questioned: “Where is the source of funding?” Well it is here, it is explicitly written in my amendment. It is very clear that some Members are bound to support me because they see the importance of our young generation beginning to enter home ownership. Also we need to recognise this, once you have paid off your mortgage obligation no longer do you have an explicit rent. The income that is yours is going to be income savings, it is going to accumulate, you are going to see a positive net wealth increase. Now compare that if the Government does not do anything and you end up becoming a perpetual renter

for the rest of your life, and that is going to happen more and more. The linearity between young generation and home ownership is becoming weaker. I compare it to my grandparents and their friends, many of whom are homeowners. When I compare it to my parents who were born in the late 1950s and early 1960s, again, the relationship becomes weaker. For me being a 30 year-old man, many of my friends are probably going to be perpetual renters. Indeed, myself, I probably will end up becoming a renter for the rest of my life but I do not really want to enter home ownership because, you know what, I am here on the basis that my main priority is to represent the interests of my electorate. I look forward to the contributions that my fellow Members will bring before the Assembly.

The Bailiff:

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

1.11.2 Deputy D. Warr:

I would just like to say thank you very much to Deputy Andrews for bringing this to the Assembly. We as, a Government, are obviously clearly interested in a long term, proactive and sustainable approach to housing and I am absolutely at the front and centre of that approach. So setting aside any income from stamp duty increase to support housing initiatives is very thoughtful of Deputy Andrews, and I thank him for trying to do the right thing. Sadly, however, setting aside cash to inject into the housing market is not, as I found, quite as simple as it sounds. I already have £10 million in this Government Plan, that is £10 million which previous Ministers have been unable to spend. Spending this money will require great care. The Fiscal Policy Panel's advice is clear. Despite the rising costs of housing, we should be very careful about interventions which boost short-term housing demand and support prices artificially. I will be working hard to find the right balance with the £10 million to allow us to support Islanders into home ownership, and I take this point about perpetual renters and that challenge. We have got to support Islanders into home ownership but without stoking the market at a time we need it to come down. I naturally find it very hard to say no to the prospect of more money being available for this purpose but, as an Assembly, we must be prudent. The £10 million already secured will be hard to spend but I will endeavour, and I assure Deputy Andrews, to spend it and spend it well. When more is needed I will be sure to ask for it. In the meantime, I sadly cannot support the ringfencing of money that might otherwise be used to support Islanders through the housing and cost-of-living crisis in ways other than to assist with private house purchases. Again, I wish to thank Deputy Andrews for his well-intended amendment but unfortunately I am unable to support this.

1.11.3 Deputy S.Y. Mézec:

I like Deputy Andrews, he reminds me of a younger version of me. **[Laughter]**

Deputy K.F. Morel:

A point of order.

The Bailiff:

A point of order?

Deputy K.F. Morel:

I did not know we were allowed to mislead the House there. **[Laughter]**

The Bailiff:

Sadly, that is not a point of order as it is not a matter on which I can rule.

Deputy S.Y. Mézec:

I normally say that he is only a year younger than me, he is a year-and-a-half younger than me but I prefer to round down in that instance. But seriously though, when he spoke of his experiences as a 30 year-old person and prospects of home ownership versus renting, he is talking about the aspirations of a lot of people in Jersey, and I recognise in what he said exactly how many of my friends feel, many of whom are losing hope in a future in Jersey and are leaving as a result of that. I have many friends already who have moved to parts of the U.K. where they have found a much cheaper cost of living and much easier aspirations in terms of home ownership rather than staying in Jersey and either having to live with their parents and all of the difficulties that comes with that as you get older for a long time, or end up paying rent to other people to pay off other people's investments for which they will never see a penny back come to them. So I welcome what Deputy Andrews is trying to do to provide some form of mechanism for topping up a fund to be able to support home ownership through shared equity. In terms of what voting position I take on that, it is extremely easy for me to find that because it is in the manifesto I stood on where we very clearly said that we wanted to help provide revenue into a fund to support shared equity for young people to own their homes, and one of the mechanisms we would do that would be through high rates of stamp duty. So I congratulate Deputy Andrews for getting there before even we did on this. Good work there. Reference was made to the £10 million fund, pot of money that there is waiting to be spent to support people into home ownership. That originated in my time in a previous Government Plan and for various reasons has not been able to be used at this point. That was I think offered in the first instance essentially as a holding pot of money, though it was taken at a time where it could be acquired but without a specification for exactly what kind of scheme it would go towards funding. There was not a specification about whether it be a loan scheme or shared equity or purchasing land or anything like that, it was quite open. As time has gone on, I have certainly come to the view that that would be best used, that fund, through setting up some form of shared equity scheme to enable young people to buy a majority stake in their homes.

[16:30]

Then if they choose to buy the final portion of it, that can then be recycled through that fund so that future generations can benefit from it as well. Deputy Andrews' amendment will provide extra money going into it, so a funding stream that will be perpetual as a result of that, and therefore more and more people can be helped with it. But it does not have to be the only way that you fund it. You can of course come back in future Government Plans and say from some other pot we will throw in another few million to support it, and the Minister for Housing and Communities sounded like that was a possibility for what may happen depending on how that initial £10 million gets used. But when the housing crisis is as bad as it is and with young people losing hope in the way they are in the dream of having a decent future in the Island where they have the stability that home ownership provides them, I fail to see why putting some extra funding into that fund will be a bad thing. It provides the Government at least with a bit more money to reach more people. There was another Member in a previous debate, and I cannot remember if it was Deputy Andrews or another one who referred to a previous scheme that existed I think in 2012 or something like that ... okay, he is nodding his head, so it was him. He said the number of people who benefited from it, I think it was 50-something. That is a small number of people. We need a scheme in place that is going to benefit a lot more people than that but by doing it through a mechanism like this, by doing it through shared equity, I think you get the best value for money for it. It is better than a loan scheme because ultimately that is still debt for young people to take on, many of whom will still be paying back their student debt which, let us not forget, previous generations did not have to endure, so another weight holding them down. It also would hopefully, provided you put decent controls in place about the types of property that they can buy with this, try to exclude investors and make it exclusively for those prospective homeowners, and I think that mechanism would be less inflationary than a loan-type scheme. So I

congratulate Deputy Andrews on bringing this amendment forward and he has our wholehearted support for it.

1.11.4 Deputy M. Tadier:

Quickly, I also share the admiration for this for Deputy Andrews. I like to think of him as a more articulate younger version of myself. I am waiting for the point of order. **[Laughter]** It has to be said, when we came up with this - because it is strange to have in some ways an ally in the Assembly, not in everything, but I think one who has independently come to similar positions - when we initially looked at this we thought, okay, we went through some of the similar questions that the Minister was asking: what should our position be on this? It seems to be doing all the right things: it is raising money, it is ringfencing money. How do we feel about ringfencing? That is not necessarily a process that we would entirely always espouse. Ringfencing can be problematic; we generally have a system where we have taxation which goes into a big pot but there are clearly examples of when ringfencing is appropriate. Of course, what we did is we came back to our fundamental values as a party and also our manifesto. It is really helpful to have a manifesto where you can go back to. Then we looked at our addressing the housing crisis part of the manifesto and one of the bullet points is to establish a fund to support first-time buyers to enable them to purchase their homes through shared equity. So it is very similar to what Deputy Andrews is proposing here: it is a fund, it is to support first-time buyers. I do not think he necessarily limits it or prescribes what kind of scheme it will go to but I think clearly that is something which is in line with our manifesto. We did not just say, incidentally, in principle we support this, we support it in practice as well, so there is no getting round what our manifesto says and the values that we espouse. It would be quite easy to of course find a reason saying: "Well we are not sure that this is the perfect solution. We do not like the ringfencing or we think there is another tweak, or it is not quite right." This is about supporting general values. Certainly in my personal manifesto as well, I concentrated on 3 areas: healthcare, heritage and housing, those were the 3 areas. I noticed, like many Members of this Assembly, that on the doorstep, for those of us who were going round knocking on doors, and I think it was most of us anyway, is that housing came up as a big issue, even members of the public who do own their own houses, who have been well-established in the Island know that they have got children and grandchildren living in the Island, or possibly living away and not being able to come back, or looking to move away for whom home ownership is not even an aspiration, it is more of a pipe dream. What I would say to the Minister for Housing and Communities is, okay, £10 million, it is a nice problem to have. He said he does not know how to spend it. I do not know if that is because that is too much or not enough but surely there must be ways that that can be spent and he should be welcoming, I would suggest, a proper establishment of a fund with a funding stream whereby that pot can be increased and he can extend whatever mechanisms that he wishes as a policy lever. Because, let us face it, he is a Minister and it is not specifically in this iteration, he is a Minister without much of a department. He has an Andium Homes arm's-length organisation, they are also trusts that deliver housing but he needs to have policy and he needs to presumably have some kind of funding mechanisms to use in the wider policy portfolio that he can effect change with. I would say maybe a good start, this is just a personal opinion, is that that £10 million he could use to start buying up greenfields. That is what I think property developers are doing in the Island anyway, they have been doing it for decades. They have also been sitting on property such as glasshouses which are derelict, which they are hoping that one day, and maybe it will come from this particular Government, they will get a windfall that they can develop them. I would say buy as many of those green and brownfield sites as you can now at agricultural rates and keep them like that for a few years and maybe return them to agriculture. If there was a compelling reason in the future, who knows what can be done with that? Imagine what you could do with a bigger pot if you support Deputy Andrews today. But certainly it can come for schemes even if it is just deposit schemes helping young people buy deposits. It is important that those schemes that they end up with are not just helping younger people or first-home buyers buy houses which are ultimately unaffordable, which then get resold into the open market, those are the

mistakes that got made in the past. It is really important that if this amendment is passed today and when that fund is established, those houses remain affordable in perpetuity and I think that is the problem that we saw in the past. So, I am certainly very happy to support what Deputy Andrews is doing here and I think we should support both the underlying principle as well as the well-thought-out funding scheme that he has got to accompany it.

1.11.5 Deputy I.J. Gorst:

I do not want to touch too much on the housing issue because much that has been said I find little to disagree with, and the Minister for Housing and Communities has been quite clear, but accountants are a bit boring, particularly on a Thursday evening, and money can only be spent once. So when the mover of the proposition says that a funding source has been found, that is only half of the picture, because what the amendment does is take money raised from stamp duty and takes it from the Consolidated Fund and puts it into the Housing Development Fund. Now the money in the Consolidated Fund, as Members will know, is allocated for all of the everyday general revenue expenditure. It all gets collected, it gets basic accounts, as you know, the money gets collected by income tax, corporation tax, G.S.T., stamp duty and other duties and goes into a pot. That is why the Fiscal Policy Panel, independent economists say do not, if you can avoid it, use hypothecated funds. Then it is allocated in a budget process to departments to spend and through that process we come up with a balanced budget. What this amendment does is say before that money gets into the Consolidated Fund, put it into a hypothecated fund to do all of the good things that I think Members will all agree with. What that means is that that money is not available for the purposes to which it has been allocated, which is general revenue spend, which could be, as we know, any number of good things that the Government does, but more fundamentally it causes the Consolidated Fund, that is the public's current account, to go overdrawn. As soon as this comes into play, as the Deputy asks us to do at the beginning of 2024, it says that our current account will be overdrawn and it will be overdrawn again in 2025. Now, as you know, the Finance Law does not allow any Minister for Treasury and Resources to present a Government Plan where the current account is overdrawn in any of the years of a Government Plan. Sadly, it does allow Members to bring forward amendments that cause the current account to go overdrawn and it is for that reason that I cannot support the Deputy's amendment. I do not think that the allocation in the way that the Deputy is seeking to amend is prudent, nor is it returning us to sound money, which I think Members do want to see. I am sure that the Minister for Housing and Communities is of the same view. He has got £10 million which I know the Deputy wants to encourage him to spend in 2023, I want to encourage him to spend in 2023, and I have told him to get on and do it along the lines of the way that the Deputy wishes to see. If he can get on and spend that money, then in 2024 we can work to balance our books but have a proper conversation about where that money should come from so that the current account is not overdrawn. Because the Deputy is a scholar of economics, he knows that the Government has limited options when the current account is overdrawn. It is overdrawn, it can take its money from its savings account that we call the Strategic Reserve or it can go to the markets and borrow money in order to fund this scheme. I do not think either of those are attractive but I am absolutely prepared to work with the Deputy, as I know the Minister for Housing and Communities is, to during the course of 2023 come forward to make sure the intention behind his amendment, which is to make sure that there is a longer-term funding scheme which is within balanced budgets, to provide for what he wishes to provide for with shared equity and all of those good things looking at schemes that have gone before. It is for those reasons, not for the principle of what he is trying to achieve with housing, but simply it would be unsound from a management of public finances perspective.

1.11.6 Deputy R.J. Ward:

I do not know if it is just positive self-image, I see myself as a younger version of Deputy Andrews. **[Laughter]** But anyway. Just one very small point to be made, you have to think long term with a scheme like this and I definitely support it. We have to remember, very quickly, if we enter into a

shared ownership equity partnership with people trying to buy their own homes, that equity increases in price and we as a States Assembly get something back as well, so you have to think about that as an investment as well. So this is a very good use of that money that has a return on it. It deals with an issue that is a really pressing issue for everybody and might improve some people's lives. Just that very quick point.

The Bailiff:

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

1.11.7 Deputy M.B. Andrews:

Now I know Deputy Gorst, he mentioned about a transfer from the Consolidated Fund to the Dwelling Houses Loan Fund, that was just something that was a suggestion within the amendment that was explicitly stated. I think it is important that, yes, he did mention about Jersey's primary budget deficit position, so essentially this is where we are looking at the income being increased.

[16:45]

Also what we have to recognise is in 2021 we had a net asset position growth of £481 million; I think that is a very substantial number. Also our reserves have been performing very well too. Because we are a legislative Assembly and because we have a very flexible constitution, it gives us a flexibility to bring something back to the Assembly to ensure, for instance, that there are contingencies in place as well. It is quite difficult when you are looking at this Back Bench that we have, I think Reform are very well organised, there are 10 members and they each know what one another is doing. With the rest of us as 18 independents, when we are bringing forward propositions and amendments, we are aware of the propositions and amendments only once they have been lodged. I think when we are looking from an expenditure point of view, sometimes, yes, there can be issues where there may be 4 or 5 amendments that are being brought forward where we could be incurring expenditure if us, as a legislative Assembly, as a body agree to it. But I also think as well it is important that I mention what Deputy Warr said, and he mentioned about the £10 million allocation and, once again, what is going to happen once it is exhausted? That is it. Look what happened in 2012, 51 households were supported and then nothing was carried through. How many Members are still with us from that Assembly? Probably not many. Again, what happened, we decided: "Oh, let us try and bring something forward again" and we are just repeating history. A £10 million budget allocation, here we are generating revenue to be relative to expenditure and that is something that the Fiscal Policy Panel did mention in terms of the revenue that we generated has to relate and correspond to the level of the expenditure that will be incurred. That was something that was mentioned I think in the June or July report of the Fiscal Policy Panel. It is also important to mention, it was mentioned in the *Guardian*, I think it was, the base rate will be increasing to 3.5 per cent. Now that means those who are entering the market and when they are agreeing contracts their debt obligations will be increasing, so that is going to be increased interest rates. That is going to probably be an argument that some Members might be thinking: "Well, we cannot do it. We cannot do it now." This is about longevity, this is about sustainability, as I have just mentioned. If we are not willing to do anything, how are the public going to perceive us? I think they are probably going to perceive us quite negatively as an Assembly. How can this be rejected? This is probably one of the first times where we have had a scheme proposed in this Assembly that is connecting right to the issue. It is addressing the issue, it is about supporting people, it is about supporting Islanders, our young generation who, again, are part of generation exodus. They are not really generation renters, are they? They are generation exodus because that is what has been happening ever since COVID. It is happening time and time again. Again, what did the last Assembly do? They just sat there. They tried to seek re-election and, again, what happened to the Alliance? It was a wipe-out, and I think that was quite telling because how many times did they vote against progressive measures? I cannot count there were so many times

but the matter of it is we have to be the enabler and we have to take a different approach. Because if we do not take a different approach, what we will be seeing is Jersey's undersupply of labour, it will become worse, and when we mention about capacity in our labour market, well, yes, we are not at full capacity because there are so many vacancies in our labour market because we cannot find the labour due to the cost of living. Also, it is important to mention, when we are looking at explicit rents, when we are looking at the banks and the agreements that they set with their clients, in some cases many people are in a position of negative savings and they do not have the ability to save if they are, for instance, in a dwelling that belongs to a landlord hypothetically because they are market rates, they have to be made payable. It is the tenant who is responsible for incurring those rates and it is just a perpetual life in rented accommodation. It is not exactly fun, is it, if you do not have the ability to save? Many Islanders are living a very impoverished life despite the fact that we might be saying, yes, they have relatively decent incomes but because distortion in our housing market is so exacerbated, it is becoming so problematic because the level of savings for middle and lower-income Jersey households is so diminutive. They are not able to afford the stamp duty rates that are applied. Maybe there are exemptions in some cases if we are speaking about first-time buyers; however, it is becoming ever more difficult and we do not have any flexibility as well for first-time buyers in terms of stamp duty payments potentially being more flexible and being covered over a number of years. I think that is also something that we need to be looking into as well because, as it remains, I spoke to one couple who told me they had to save for about 8 or 9 years for the deposit but also the stamp duty charge as well. It is very, very difficult. Here I am bringing forward a plan, an actual plan that can deliver a continued stream of success where households will no longer be in rented accommodation. They will be entering home ownership, they will be able to also own their own home eventually with no debt obligation once the debt obligation has been made payable and that is when people will be able to enjoy their life, have a good life in retirement, be able to go on holiday. These are the other components that we also have to think about and I do not think we are looking at it intricately enough. I do hope that Members will back me and I do hope that Members also recognise, despite the result, whatever it will be will be, I will say this: the Council of Ministers, the message is very clear, we need to do something because if we do not do something this town, the public will ask: "Well why did you vote against that amendment?" Because we could have done something and we could have allowed so many households to become homeowners by now but you rejected it. So, I will leave it there, and I will respect the vote, as I should, and I will call for the appel.

The Bailiff:

The appel is called for. I invite Members to return to their seats. I ask the Greffier to open the voting and Members to vote. The vote is on the eleventh amendment, Ringfenced Stamp Duty. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The amendment has been defeated.

POUR: 17		CONTRE: 32		ABSTAIN: 0
Connétable of St. Helier		Connétable of St. Brelade		
Connétable of St. Lawrence		Connétable of Trinity		
Connétable of St. Martin		Connétable of St. Peter		
Connétable of St. Clement		Connétable of St. John		
Connétable of St. Saviour		Connétable of Grouville		
Deputy G..P. Southern		Connétable of St. Ouen		
Deputy M. Tadier		Connétable of St. Mary		
Deputy R.J. Ward		Deputy C.F. Labey		
Deputy C.S. Alves		Deputy S.G. Luce		
Deputy L.J Farnham		Deputy L.M.C. Doublet		

Deputy S.Y. Mézec		Deputy K.F. Morel		
Deputy T.A. Coles		Deputy M.R. Le Hegarat		
Deputy B.B.S.V.M. Porée		Deputy S.M. Ahier		
Deputy C.D. Curtis		Deputy I. Gardiner		
Deputy L.V. Feltham		Deputy I.J. Gorst		
Deputy R.S. Kovacs		Deputy K.L. Moore		
Deputy M.B. Andrews		Deputy P.F.C. Ozouf		
		Deputy P.M. Bailhache		
		Deputy D.J. Warr		
		Deputy H.M. Miles		
		Deputy M.R. Scott		
		Deputy J. Renouf		
		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 A.F. Curtis		
		Deputy B. Ward		
		Deputy K.M. Wilson		
		Deputy L.K.F Stephenson		

1.12 Proposed Government Plan 2023-2026 (P.97/2022): twenty-second amendment (P.97/2022 (Amd.(22)) - G.S.T. on Sanitary Products

The Bailiff:

The next item for debate is the twenty-second amendment, G.S.T. on Sanitary Products, lodged by Deputy Feltham and the main responder will be the Chief Minister, and I ask the Greffier to read that amendment.

The Deputy Greffier of the States:

Page 2, paragraph (i) - After the words “Appendix 3 to the Report” insert the words “, except that, on page 37, the words “The wider scheme, which was noted in the mini-budget replaces and improves the commitment made by the Assembly in P.66/2022”, should be substituted with the following words, “The Assembly’s decision made to exempt all menstrual sanitary products from G.S.T. will however be respected unless a specific proposition rescinding that decision is brought forward and adopted by the Assembly”.

1.12.1 Deputy L.V. Feltham:

I am going to aim to keep this very quick as I am aware we have got a lot to get through. Thank you, Sir, for your ruling which confirms that the wording that is in the current Government Plan would in fact rescind a previous decision of the Assembly that was taken less than a year ago, which is one of the reasons why I brought this amendment. For me, the Government Plan is not the place to make this type of decision. This amendment is not about whether or not you agree that G.S.T. should be taken off of sanitary products. We do not have the time or the patience to decide such a policy change at this point in time. I was quite surprised to see in just one single paragraph the Government suggesting that we should be rescinding a previous decision of the Assembly, particularly as the Government is suggesting that what they are proposing will be a better outcome for Islanders. There

is no evidence within the Government Plan or with any report supplied by the Government to confirm that what is being presented is better. The Government has been undertaking a consultation which was completed only I think about 3 weeks ago. The Assembly has not seen the results of that consultation and we do not know at this point in time whether what is being offered is better for the people. In fact, I was only contacted by a constituent a matter of days ago who had tried to access the products at 2 different sites and she confirmed to me that there was only one type of product available and that the availability was what might be considered to be suitable for a single person. So it seems that what is being offered at the moment is not what the Government is promising, so I ask who this is better for. I note that nothing seems to have changed since the original proposition was made. It is interesting to me that the arguments being made by Government are very, very similar to the arguments that were made by the previous Minister for Social Security at the time. In my view, nothing has changed. The previous Minister for Social Security during that debate said it was her intention to make products free in some spaces. But more importantly what I was concerned about when I read that paragraph in the Government Plan is the precedent that this sets, the precedent of the Government overturning Assembly decisions at a point when it may be easy for Members to not notice, when it may be easy for them to not have time to fully consider, and it does not give time for proper debate to inform Members as to why they should U-turn on their previous decision. This could have been a proposition brought by any Member, so just because this particular proposition had been brought by the Chief Minister when she was a Backbencher should not sway us in that matter because many existing States Members who are here today spoke passionately in favour of this proposition, and they deserve the right to have this rescindment brought in a right and fair manner. I ask you to think for yourself how you would feel this time next year if you have fought hard in this Assembly to win a proposition, if you have spoken passionately in favour of a proposition and then the Government next year, in a single paragraph, seeks to rescind it. That is not the type of precedent that I think we should be setting. I do not think that is acceptable. I propose the amendment.

The Bailiff:

Is the amendment seconded? **[Seconded]**

1.12.2 Deputy K.L. Moore:

I too am grateful for your ruling in respect of this amendment. Firstly, if I could start perhaps with the suggestion that this is an unfortunate precedent and was in any way hidden. I refute that and I do think that it is absolutely within the rights of both Assembly Members and the Government to approach the Assembly to ask for rescindment of previous decisions. I think there are plenty of them on my list. This is one, and a relatively minor one in my view, but it most certainly was not hidden and in fact I think I remember quite clearly discussing it with Scrutiny, and I think that that is absolutely the right and proper way to do this.

[17:00]

Of course when I did bring the proposition to the previous Assembly to argue for the removal of G.S.T., I did so with a view to proposing a particular measure that I thought at the time was quite simple. But of course now that I find myself in this position I understand fully that it is the simpler and almost the most effective thing to do to offer sanitary menstrual products for free because this makes a greater difference to those who need them. A 5 per cent reduction in that cost, firstly, might not be passed on to the consumer in the first instance and, secondly, does not make a huge amount of difference to the cost. So although it was largely a symbolic move and one that I was so pleased to have gained the acceptance of the previous Assembly, I do think that this delivery of free sanitary products to Islanders is a far more effective and expedient way. I am grateful to Deputy Feltham for her feedback and I was exchanging glances with the Minister for Social Security at that point, and we will endeavour to find out exactly what those issues are. My understanding is that there are a

variety of products that will be made available to members of the public, including standard products, but also more sustainable and reusable products that I think are very much desired by particularly younger members of our community. I hope that Members will vote against this amendment and support the Government in the free provision of menstrual sanitary products to Islanders going forward.

1.12.3 Deputy E. Millar:

If I could just follow up a little on the Chief Minister's comments. I am very sorry that Deputy Feltham's constituent had that experience of not being able to find products. I have emailed the team now to say: "What is happening?" because when I have been shown the stocks they have been plentiful, so I am not quite sure why that has happened. I would also say the consultation only recently closed and the purpose of the consultation is to work out exactly what people want and to get feedback. The feedback from other jurisdictions is that people want a variety of very traditional products and that is why we started with that. We will be meeting with people; I have a meeting arranged in January with people to discuss sustainable products. I would also just say, casting back to our recent discussion on the removal of G.S.T., there was some documentation from policy advisers in the U.K. which proved that 80 per cent of the G.S.T. deduction that was taken off in England was not passed on. So I do remain of the view, like the Chief Minister, that providing free products for cases of need is a much more effective solution than taking off a few pennies which may not be passed on, but we are continuing to work very hard on making sure this system works.

1.12.4 Deputy M. Tadier:

This is problematic, the Government's position is problematic, not just from a political point of view but also a procedural one. I think it is really important that we do look firstly at the procedure, on the precedent that is set because it does set a precedent, this has not been made up. Secondly, there has been an attempt to rewrite history here because I sat through the debate. I sat where Deputy Southern is sitting on the back row and Deputy Martin, who was the Minister for Social Security, was sitting where Deputy Southern is sitting now. We could see and hear very clearly what the policy was and what the reaction was to Senator Moore then who was sitting over there in the Constable's benches. The arguments that were given on the day were exactly the same arguments against what Senator Moore was proposing from the Minister for Social Security. So let us remind ourselves of exactly what happened there and anyone who has got a different recollection who was here, by all means correct me if I am wrong. So we have a proposition lodged by then Senator Moore saying period products should be free. I am hoping I am using the right phraseology there; I have been pulled up on Twitter previously for not using them, but I think period products is the preferred wording. The Minister for Social Security says: "No, you do not need to make these G.S.T.-exempt" ... sorry, that was the proposition to make them G.S.T.-exempt: "Because I am going to make them free" therefore hoping taking the argument, pulling the rug from under the feet of then Senator Moore. But in spite of that Senator Moore continued to argue for the principle of removing G.S.T. from period products. The whole of the Assembly ... the majority of that Assembly agreed with the argument, even though at some point in the future the Government was going to make these products free, that we would still remove G.S.T. and that is what Senator Moore asked us to do. Many of us made robust arguments supporting her for that despite the fact that the products would also be free. We made those arguments on the basis that not everyone was going to be able to access the free products or would necessarily want to access them at the points at which they were free. So when Deputy Feltham talks about a feeling of betrayal, I certainly feel that betrayal, because I made that decision in good faith with the majority of the Assembly. I do not think we can simply say because it is the same person who moved the proposition who has now ended up in a position of power as Chief Minister and the advice she is being given from officers is the same as what she was given when she was opposed, of course it is the same advice because it is effectively the same officers who are working at Social Security, they have not changed. The position is not going to have changed

but the position of Government seems to have changed and this is what I cannot get my head around. It should not be for Deputy Feltham to need to lodge an amendment here to rescind something that the Government no longer wants to do. It should be that the Chief Minister should be bringing a rescindment back and explaining that. In the absence of any rescindment, the Government should be getting on and implementing their own policy. It is a completely bizarre situation. Can you imagine a similar situation in which Deputy Mézec would have brought a proposal, he would have won it, and then when he ends up as Chief Minister he decides that he does not want to do it even though he has got a duty and a direct, not mandate, but a direct instruction from the Assembly to do that thing. It is complete fantasy politics and it sets very dangerous precedents when that happens, so I do feel that sense of betrayal that Deputy Feltham talks about. It may seem like a very small thing here but I think it is fundamentally important what we are talking about today. So, I hope Members will appreciate that and support what Deputy Feltham is asking for.

1.12.5 Deputy I. Gardiner:

I am not able to speak as eloquently as Deputy Tadier but I remember this debate very well and I remember how I voted on this debate. The only difference between the previous debate and the debate today is that we did not trust the Government that they will supply free period products. It has been raised during the debate that: “Oh, do not remove G.S.T., we will provide it free.” I remember me personally not trusting Government and saying: “It is not the proposition in front of us, it is not something that we are debating.” This was my main reason to vote with Senator Moore and her suggestion because we did not have an option of free products, it was just a promise. Apparently, we have this clarity, we do supply free period products. It is a completely different situation to the debate that we had previously. I understand, by the way, thank you to Deputy Feltham because I do believe we need to go through some procedures and this is in the Government Plan. I am not saying that it is correct, but my vote on that debate was very clear why I voted as I voted. If it would be free or G.S.T. it would be free, but it was not the option then.

1.12.6 Deputy S.Y. Mézec:

I think that there really is an important principle at stake here which is that it is the States Assembly that is the sovereign decision-making body of the Island of Jersey, it is not the Government. At the point of April this year when the Assembly voted in favour of P.66 to instruct the Government that our view was that G.S.T. ought to be taken off of menstrual sanitary products, it was counter-proposed, although only in words not in an actual proposition from the then Government, that as an alternative proposal those products would be made available for free. The States said: “That is very interesting but we are going to vote for the proposition to remove G.S.T. from them instead.” At that point, the proposal to provide free sanitary products was no longer an alternative proposal but it was a supplemental proposal on top of what had already been agreed. I think that that is probably not quite accurately reflected in the wording of the Government Plan where it says on page 37 that in agreeing that proposition the Assembly previously requested the Minister for Treasury and Resources to issue law drafting instructions to make all menstrual sanitary products exempt from G.S.T. The 100-day plan includes an alternative proposal to provide free sanitary products. Well it kind of did not, it reaffirmed a proposal that already had been made by the previous Government, a supplemental proposal, and simply confirmed it. That was not the mechanism to say: “The previous decision of the Assembly now counts for nothing.” The way that you seek permission from this Assembly to alter or go back on entirely a previous decision we have made is to come to the Assembly and ask for permission. It may well be the case that you will get that permission, especially if you have got a good argument. It is not right that for something to be agreed in very clear and specific terms in a standalone proposition from the Assembly to then more or less hide in a footnote in a much bigger document that that will no longer be the case, especially when, as the Government Plan is presented, there is no specific vote on it. It is only through Deputy Feltham’s amendment to it that there becomes a specific vote. When Deputy Feltham was making her speech on this, I noticed over there the

Constable of St. Helier grinning a little bit because I think he probably has déjà vu, and this point may come up in his debate on an amendment coming up where the States has previously made these kinds of decisions and then when the bigger document comes later, whether that is a budget or a Government Plan or an Island Plan, we suddenly find that it is not in there. What would have been the appropriate thing to do would have been for the Government to bring a standalone rescindment motion or, and this is slightly more complex, would be to bring forward a Government Plan that respected that States Assembly decision but provided it in its own paragraph or with a Government-proposed amendment to enable a vote on that matter specifically in this debate, but they did not do that. I do not think that we should give in and allow that precedent to be set. This Assembly is the sovereign decision-making body and where we make a decision the Government should be required to accept that decision and do its best to carry it out. If it cannot carry it out because circumstances change or a problem that nobody had anticipated arises, they are free to come to the Assembly to explain themselves. If they have got really good reasons, we will have to accept that and give them some leeway. That might mean either a change in timetable or it might mean U-turning on that decision entirely but it must return to the Assembly for it be a decision. I voted in favour of P.66. I remember it being an absolutely fascinating debate, where I learnt a huge amount on things I did not know much about before, and I cast my vote in favour of that proposition knowing full well that an alternative proposal was being put together by the then Government, who I also did not trust that they would also work on this. I voted in favour of it in that full knowledge and now nothing has changed. That scheme may well now be in place, although there is some feedback about it not being provided as well as it could do, but there is nothing set in stone to say that that is now a permanent fixture of government services.

[17:15]

It is something that could be voluntarily changed. If it is not provided for in statute or in an alternative standalone proposition in this Assembly, then it must be provided in future, and therefore it could easily be forgotten about and could easily be rolled back or it might come into disuse and somebody at some level of government decides: “Oh, people probably will not miss that, so let us not bother carrying on in future” as we have seen before. I would ask Members to support the amendment from Deputy Feltham, say to the Government: “You must carry on with the instructions that this Assembly has given you” and in future say to that Government that if they are going to have to divert from the instructions provided by this Assembly, then come here and tell us. We will hear their explanation and we will make up our minds on a case-by-case basis. I am disappointed so far that there have been instances of this. The Chief Minister did mention discussions that were had with Scrutiny on this, and just to be clear, sat in that room as president of the Scrutiny Liaison Committee, I expressed those concerns. What I certainly did not do was say: “Oh, do not worry about it.” I expressed those concerns and maintained those concerns and if this happens again in future, we will keep pushing on that because it is not acceptable.

Deputy M.R. Scott:

I would like a little bit of clarification here because I am a bit confused about the effect of rejecting this amendment and what the Government are intending in this respect. I very much appreciate Deputy Mézec raising the point generally that if propositions have been passed by the States Assembly they have been passed and that really the right procedure is to revoke them, but I also learned of reference to a ruling that I understand you made. I am having difficulty in terms of understanding quite what the effect of that ruling is and whether that means effectively that if this proposition were rejected by the States Assembly, but nevertheless it approved the Government Plan with the little (i) in it in the proposition, that that itself would have the effect of revoking the original proposition because I ...

The Bailiff:

Yes, it would.

Deputy M.R. Scott:

I understand now. Okay, right. Thank you.

The Bailiff:

The ruling that I gave, I had not appreciated whether it had received wide circulation or just to those who had asked the question, but I have taken the view that the terms of the Government Plan amount, if adopted, to a rescindment of the original motion that the Assembly passed, but that it was open to Deputy Feltham to put an amendment to that, which would require a separate debate on a later occasion were those decisions to be rescinded.

Deputy M.R. Scott:

So by voting *contre* to Deputy Feltham's amendment, but supporting the Government Plan in its final form ...

The Bailiff:

There will be a rescindment. That will affect ...

Deputy M.R. Scott:

... I am kind of cutting some red tape?

The Bailiff:

That will be the rescindment.

Deputy M.R. Scott:

Thank you.

Deputy M. Tadier:

Can I just ask a follow-up point of order?

The Bailiff:

Yes.

Deputy M. Tadier:

I was not necessarily aware of the exact wording of that ruling. Does that mean in future then that if a Member, say in this Assembly, were to win a proposition to do with some funding implication or spending implication and then it just simply did not appear in the next Government Plan, it would be considered rescinded?

The Bailiff:

If it did not appear in the next Government Plan? No, I think it would have to be expressly not provided for. It would have to be expressly avoided, as it were. That would be my view, but I cannot make a ruling on that because, frankly, I would need to look at the precise wording in detail before I could, but initially it seems to me that this particular iteration of the Government Plan clearly addressed it and determined that they would not be going with it in the way that it was originally passed by the Assembly and that appeared to me to be a rescindment. Did you wish to speak? You have already spoken.

Deputy M.R. Scott:

Yes, just to follow up on Deputy Tadier's point then, so if the general effect is that if in the body of the Government Plan there is an implied ...

The Bailiff:

I am sorry, I do not mean to cut across you, Deputy Scott, and perhaps I should have just shut this down. The Chair does not make rulings on hypothetical matters from here, it will make a ruling if it is called upon to do so. In particular, it has made the ruling in connection with this particular matter, but I do not propose to make generalised observations about what rulings may or may not be on future occasions. Thank you very much.

1.12.7 Deputy L.M.C. Doublet:

This is another one I am really struggling with, because I absolutely abhor the notion of women having to pay any kind of tax for products to deal with what is a natural biological process that only women have to deal with. I think that was firmly established, was it not, in the debate on removing the G.S.T.? So what we have is a consensus by the previous Assembly that women should not have to pay G.S.T. on their period products and then a refreshing approach from the new Government that says: "We are going to provide free products." Now, there are different levels of free, are there not? I think what is being made available at the moment is certainly an improvement on what there was before, whereby there was nothing free and women were paying G.S.T. I understand that it is a pilot. For me personally, that scheme does not quite go far enough and I think again also there is an understanding of that because the Chief Minister is running a consultation and she would not be doing so unless she wanted to improve upon that scheme, which is a handful of government buildings that have free products. They are, I think as the Minister for Social Security said, kind of traditional conventional products wrapped in plastic, single use, which is not something that we really want to be promoting. I firmly believe that to improve upon the removal of G.S.T. from sanitary products, the level of free that we need to reach needs to be a lot wider than just those types of products in those handful of buildings. Again, I think there is probably agreement on that among the Council of Ministers, but again that policy is still being formed, we are still waiting for the results of the survey. I am tempted to vote for this because I know in the past sometimes Governments say they are working on things and it does not happen, but then I am part of this Government, I am an Assistant Minister, and while Assistant Ministers do not have the same level of say as Ministers, I suppose what I would like to do now is make my position very clear. I firmly believe that a full range of period products should be made available completely free to any Islander that needs them. I think there are a variety of mechanisms whereby that could happen. It is a biological process that could be defined as a medical process. Why are these items not available either on prescription or at pharmacies free of charge? Wherever items are being sold, they could be available free of charge. I think there are many ways that that could happen. I also firmly believe that the eco-friendly, plastic-free options should be not only provided free by Government, but should be promoted. Again, it is the younger generations - those of us in our 20s and 30s and teens - that are using these products. They are life-changing and also they save a heck of a lot of money. That is my view on this. I will listen to the summing up, but I think I am minded to go with the Government on this because I know that the Chief Minister ... I hope she is hearing what I am saying and I hope she will take those views that I have expressed and make sure that they are part of the review and carried forward, but I will listen to the summing up.

1.12.8 The Connétable of St. Helier:

Deputy Mézec noted how Deputy Feltham's words struck a chord with me as she outlined her proposition, and what followed from the Chief Minister I am afraid sent a chill through me, because she said there was a whole suite of measures that the new Government wanted to rescind. Sir, I would just seek your advice on this because Standing Order 23 provides that a rescindment requires

at least 3 Members of the States to sign it - and I am not aware that that has happened in this case - and also that it will be accompanied by a report setting out why the proposition should be rescinded. It seems to me that that test has not been met in this case.

The Bailiff:

It is a matter on which I have already made a ruling, Connétable. I have no reason not to allow the ruling to be circulated generally, which explains my thinking. I am afraid I do not have it in front of me and so it might be helpful if that were circulated generally so that my thinking on the matter can be explained, but in short, I looked to, in this case, the effect of what was taking place, took into mind the fact that the Government Plan, although it is put forward by the Council of Ministers, in effect it must have the support of a significant number of Members to bring it. The effect of it was a rescindment and I took the view that it was a rescindment in anything that ... well, in all possibly but name, but it was definitely a rescindment and that therefore it should be treated as such because that was clearly the effect of it because it was the Government Plan.

The Connétable of St. Helier:

I am grateful. That of course still does not deal with the inadequacy of comments from the Council of Ministers, which cannot or do not - certainly in the 2 cases I am thinking about - form an adequate report to justify a rescindment. I would also ask you, Sir, to circulate your advice fairly quickly because I have an amendment coming up which appears to be suffering from the same fate as Deputy Feltham's. If indeed my amendment is being rescinded, if my amendment to the Government Plan is lost, that will effectively amount to a rescindment and I think there should be a report to at least explain why that has to be.

The Bailiff:

I will ask the Greffier to circulate it to Members. It has just been done.

Deputy M. Tadier:

May I ask a point of order?

The Bailiff:

Yes.

Deputy M. Tadier:

It seems to me that there are now at least 2 different ways for a rescindment to be enacted, one of which is what the Constable of St. Helier has said, which is in accordance with Standing Orders. The other is ... I do not want to use the word, but it seems like more of a stealth way of doing it, whereby if it is included in a Government Plan with an express decision that something is not going to go ahead, that is considered a rescindment already and that does not have the same level of democratic input and debate that the first method does. I am asking, I guess, for a ruling, in the sense that does that mean that this debate we are having is to ask if that second method that is being used is acceptable to this Assembly in terms of effecting a rescindment?

The Bailiff:

This particular amendment, if passed, will mean that there will need to be a specific and separate rescindment motion brought, I imagine in strict accordance with Standing Orders, and therefore a vote for this amendment will mean that the Government will need, if they wish to rescind the motion that was passed by the previous Government, to bring a specific rescindment motion for that purpose. That, I think, is the only reach of this particular amendment, Deputy, and hopefully that clarifies matters for Members.

Deputy M.R. Scott:

I speak on this proposition now.

The Bailiff:

I thought you already had, Deputy.

Deputy M.R. Scott:

No, I asked for some clarification, if that is okay ...

The Bailiff:

Yes, very well.

1.12.9 Deputy M.R. Scott:

... so I could understand what I was talking about, which I hopefully do now. I do sympathise very much with Deputy Doublet's position in terms of G.S.T. on period products generally and also I do sympathise with Deputy Tadier. I have come across a situation in planning where protected tree orders have been revoked by planning permissions just filed and it looks like one regime is somehow being used to revoke another, but that is up to us to change and make more clear. On the basis of what I now understand this to be, which is basically by rejecting, by voting contre to this proposition, that I am approving a revocation of the previous proposition to support free period products. That is what I will be doing. Thank you very much.

1.12.10 Deputy H. Jeune:

I also have great sympathy with Deputy Doublet's points about absolutely to the taking off G.S.T. for period products, but I am also very much supportive of the Government in providing free period products. I just wanted though to put on record that this is not a new thing.

[17:30]

Soroptimist International Jersey and also the Jersey Sustainable Period Products Project have been providing free period products to year 6s for a number of years and this year they launched a project specifically for year 6 girls in the Island with eco-friendly washable pads. This is something I would absolutely support and encourage, that whatever products are supported by the Government, those kind of eco-friendly washable pads, ones that then can be reused and be sustainable, is something that will not only save money but also be good for the environment and something that then you can use going forward, so year 6 is a really good target to start. I just wanted to ensure on record that these organisations are also commended for their work in this area.

The Bailiff:

We have reached the point where the Assembly, on the last occasion, agreed to adjourn for a short break and therefore absent any propositions to vary that - and there are none - we stand adjourned for 15 minutes approximately.

[17:31]

ADJOURNMENT

[17:51]

The Bailiff:

Everyone is back, I hope revived, refreshed and ready to go until 8.00 p.m. Does any Member wish to speak on this amendment?

1.12.11 Deputy M.R. Le Hegarat of St. Helier North:

This will be quick and brief. We voted to remove G.S.T. off period products. Until such time as all products are made free, then I will be supporting this proposition.

1.12.12 Deputy R.J. Ward:

Equally as brief. The solution to this is to keep the vote that we had in the Assembly, provide the free ones in certain places, because that is all where they are and we have - if I can quote - the best of both worlds.

The Bailiff:

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

1.12.13 Deputy L.V. Feltham:

Thank you to all Members that have spoken. I will try and keep this brief; I appreciate the hour. The Chief Minister, when she spoke, said that she felt that the Council of Ministers had acted in the right and proper way. They may have done in respect of meeting the requirements of Standing Orders. However, have they met the expectations of other States Members that voted when the original proposition was approved? She also said that when she took the proposition forward, she thought that the measure was simple and now she thinks that the other alternative is simpler and more effective. I suggest that maybe then the Chief Minister do her research a bit better when she brings forward other propositions in the future. I also ask what information becomes available to Ministers when they enter Broad Street that is not made available to Backbenchers. She said that it would make a difference. I ask, a difference to who? Again, as I said in my opening speech, we have no information about what is proposed in the Government Plan better for the people that need the products. Seemingly, the only people that this makes it better for is the officers that might have to implement the deduction of G.S.T. What I think is important to note is that this amendment is about the Government bringing back a proper rescindment proposition that is accompanied with a full report, facts and figures so that this Assembly can make a democratic decision based on its thoughts at the time of what is best for the people. Deputy Tadier is correct, nothing has changed between the original debate and now. I looked back at Hansard before bringing this amendment and the then Minister for Social Security was quite clear about her intention to bring forward free products. Deputy Gardiner said: "Trust us." What I say back to Deputy Gardiner and other Ministers is respect us, respect this Assembly and our decisions and bring back through a fully thought-through rescindment proposition. Deputy Scott, when she made her clarification, not in her speech, referred to what would happen if this was rejected. She mentioned that it would be cutting red tape. I ask her to consider how she would feel if the same happened with one of her propositions that she brings forward that gets adopted within this year and if it is then rescinded within a paragraph of the Government Plan. Would she see it then as cutting red tape? Deputies Doublet and Jeune talked about their problems with this particular issue. I think the thing that I would say back to both of those Deputies is that we have no guarantee, because of the lack of information provided to us, that the amounts specified in the budget will be enough to meet the policy expectations that you have. I encourage all Members to support this amendment. I ask for the *appel*.

The Bailiff:

The *appel* is called for. I invite Members to return to their seats. If Members have had the opportunity of returning to their seats, then I ask the Greffier to open the voting. The vote is on the twenty-second amendment. I ask Members to vote. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting.

POUR: 24		CONTRE: 22		ABSTAIN: 1
Connétable of St. Helier		Connétable of St. Peter		Deputy L.M.C. Doublet
Connétable of St. Lawrence		Connétable of St. John		
Connétable of St. Brelade		Deputy C.F. Labey		
Connétable of Trinity		Deputy K.F. Morel		
Connétable of St. Martin		Deputy S.M. Ahier		
Connétable of St. Clement		Deputy I. Gardiner		
Connétable of Grouville		Deputy I.J. Gorst		
Connétable of St. Ouen		Deputy K.L. Moore		
Connétable of St. Mary		Deputy P.F.C. Ozouf		
Connétable of St. Saviour		Deputy P.M. Bailhache		
Deputy G..P. Southern		Deputy D.J. Warr		
Deputy M. Tadier		Deputy H.M. Miles		
Deputy S.G. Luce		Deputy M.R. Scott		
Deputy M.R. Le Hegarat		Deputy J. Renouf		
Deputy R.J. Ward		Deputy R.E. Binet		
Deputy C.S. Alves		Deputy H.L. Jeune		
Deputy S.Y. Mézec		Deputy M.E. Millar		
Deputy T.A. Coles		Deputy A. Howell		
Deputy B.B.S.V.M. Porée		Deputy T.J.A. Binet		
Deputy C.D. Curtis		Deputy M.R. Ferey		
Deputy L.V. Feltham		Deputy A.F. Curtis		
Deputy R.S. Kovacs		Deputy K.M. Wilson		
Deputy B. Ward				
Deputy M.B. Andrews				

1.13 Proposed Government Plan 2023-2026 (P.97/2022): fifth amendment (P.97/2022 Amd.(5)) - St. Helier Country Park

The Bailiff:

The next item to be debated is the fifth amendment, St. Helier Country Park, lodged by the Connétable of St. Helier. The main responder will be the Minister for Infrastructure. I ask the Greffier to read the amendment.

The Greffier of the States:

Paragraph (i) – After the words “Appendix 3 to the Report” insert the words – “, except that in Table 21 on page 54 – (a) there should be inserted a new line for an additional feasibility project entitled “St. Helier Country Park” and the figure of £100,000 inserted in the column for the 2023 estimate in the line; and (b) in the line for “Emerging Projects” the figure in the column for 2023 should be reduced by £100,000”.

1.13.1 The Connétable of St. Helier:

If I could just finish the conversation we were having before we got here about what is effectively a rescindment, because it is not in the Government Plan, and as I said, the problem is not so much the 3 signatures - coincidentally the same number you need for a vote of no confidence - but it is the lack of a proper report. What I had from the Council of Ministers was a late report.

[18:00]

In fact, I went online because I had not had any comments from the Council of Ministers and I was thinking I should email one of their officers to say: "Well, what do they think about this amendment?" and it pinged into the system, the comments pinged in as I was doing that. I think that is very poor indeed, to get such a late and such a terse set of comments. How can a Backbencher prepare a debate on so little information? I go back to something I said earlier today when we were debating the urban renewal funding and amendment 24. In the report from the Council of Ministers we had the quotation: "Substantial progress has already been made in developing a successful collaborative approach with the Parish of St. Helier." Well, I am not seeing that here. If Deputy Binet was offended, as he said he was, by my asking: "Which Parish in St. Helier are we talking about? Is there another one?" this is why. I went to see the Chief Minister twice after my election. I met with her and her chief officer and I made it clear to her - to them - that this was an important provision of the Island Plan, which was an important commitment in my own manifesto. I had been elected on that manifesto with the largest mandate of any Member in the Assembly, yet we get no response from the Council of Ministers. I hope Members will excuse me for being somewhat vexed by this. The comments that we have received are perfunctory, just 3 short paragraphs that blatantly disregard the decisions made by the States in the bridging Island Plan, P.36, amendment 31, in respect of the creation of a St. Helier country park at Warwick Farm. These plans were proposed by the Minister for the Environment in the Island Plan, successfully amended by me and supported by the planning inspector. An amendment to remove the project from the Island Plan by Deputy Kirsten Morel was defeated. Now, the Chief Minister states in her introduction to the Government Plan that the results of the general election were a vote for change. The accuracy of this I think in respect of another recent decision by the States Assembly, the Our Hospital Project, is hardly conclusive when one examines the manifestos of individual candidates, but what is incontrovertible is the comment I made in my manifesto, and I quote: "to progress the plans for a new country park to provide more recreation opportunities for parishioners." As I say, I got my copy of the Government Plan and I expected to see some reference to this in it. I got my copy of the Ministerial priorities. I looked in vain for any reference to green space. In fact, the only reference to increasing green space in the priority list of the relevant Minister is to work on the expansion of Coronation Park in St. Lawrence, so I tabled my amendment, reminding the States Assembly and the Council of Ministers in particular of the decisions the Assembly has already taken in respect of the country park, especially the need to allow the current leaseholder at Warwick Farm to find an alternative site on the expiry of their lease. I have always accepted that that lease needs to be honoured. As is clear from the Hansard of the debate, I have continuously emphasised my respect for the agricultural activities being carried out on the site and the need for the Government, as landlord, to facilitate the process of relocation. In fact, when I debated this in March this year, I used the phrase - which is absolutely true - that my tongue was hanging out, my mouth was ... well, my mouth was open in amazement. That sense of being impressed by the business - and I am not just saying this to try and make them feel better - I was really impressed. When I went back in June before the election, because they reached out to people standing for election in St. Helier, I was even more impressed. It is a fantastic thing they are doing, and in fact I asked that that project be included in the Parish's submission for an award by the Royal Horticultural Society, Britain in Bloom. I am now just going to quote briefly from the speech I made ... excuse me, there is too much paperwork here. I feel a bit like the former Deputy of St. Mary. Sorry, I am being very specific there. I am not going to try and get my computer to fire up, I am just going to carry on. I think the point I want to make about the activities that are currently being pursued on the site is that they are fantastic and they must continue, but Warwick Farm is a publicly-owned site, and is it right that that site is allocated to a private business when it could be used for the benefit of perhaps 50,000 Islanders as a country park? It seems to me that that is not a good use of public land. I am now going to turn back, because this is not just the subject of one Island Plan, this has been approved in 2. This was approved in 2011 when I put the amendment down, more or less the same wording in March this year. I put the same wording down about the need for the park. In setting out that in the report accompanying my amendment, which is P.48/2011 - I apologise for

taking Members back 11 years, but that is what has to happen - I said this: "The States cannot have it both ways. If St. Helier is expected to take the majority of the 4,000 new homes proposed for the Island in the next decade, the capital must be provided with the open space that its residents, workers and visitors need. La Collette 2 reclamation site was promised to provide 'a significant area of open space' but no longer. The waterfront [and I am speaking 10 years ago] is now earmarked for a new financial quarter, leisure uses and residential accommodation, rather than generous open space which was envisaged at first." I remember the late former Senator Dick Shenton talking about how marvellous the waterfront would be if it was just grassed over: "St. Helier needs more open space, not less; the Millennium Town Park should be the first of several new parks to be created this century" and I pointed out that: "The majority of these amendments have been considered by the St. Helier Roads Committee and helpfully modified by its members. The idea that users of the town [and I am not just talking about St. Helier, but St. Saviour, St. Clement and all the urban area] should be able to access a country park came from a visit I made several years ago to Eastleigh Borough Council and an introduction to the Itchen Valley Country Park, 440 acres of countryside managed and protected for the benefit of the densely populated towns and city in the immediate vicinity. As I was shown this area by some council members, I found myself wishing that St. Helier could benefit in a similar way from close and convenient access to the countryside." That is when I started the work that led to the 2011 Island Plan amendment. "Thanks to the work of the National Trust [I went on in my report] there are already a number of 'dons' to the north of the town, especially along Vallée des Vaux, in itself a natural gateway to the countryside. But in spite of the green lane network in this part of the Parish and a few woodland footpaths, there is still very little access to the countryside ... this amendment, if adopted, would allow the consultation process with landowners to begin that might lead to a greater degree of access to the countryside, albeit properly managed and controlled, and the kind of safe, off-road, circular routes that have been created in the rural and coastal areas of the Island." The obvious example of that of course is Les Creux Country Park, which of course serves the residents of the western Parishes so well. When the debate happened, the late Senator Cohen, who was the Minister of Planning, said succinctly: "I am supportive of all the Constable's amendments" and he repeated his support for the scheme later. I have to contrast that ... well, it may be that the current Minister for the Environment is going to support the proposal for the country park, but certainly one of his predecessors did very, very much. That was back in 2011. Not much happened; very little happened. It was the fate that befalls many States decisions. I brought it back in the form of P.36 in March this year and I referred to P.48 and asked Members to go back to that and to have a look at it and I said this in March: "Warwick Farm and the countryside, wooded valleys and lanes around it remains the key opportunity site for a country park to serve the capital and provide amenity space for all manner of activities including camping, nature study and forest schooling, horse riding, mountain biking, pétanque - the list goes on and on ... I believe that the new Island Plan should fire the starting gun for the delivery of this vital addition to the Island's amenity space, especially given the Government's commitment to putting children first and the repeated assurances that St. Helier's future is not to be compromised by the lack of significant access to the large area of open green space that is envisaged in this proposal." Because of the fact that we had a child impact assessment required of us for the bridging Island Plan, I provided one: "The St. Helier country park, if achieved, will provide improved access to the countryside and enjoyment of nature study and physical exercise for thousands of young people living in the urban areas of St. Helier, St. Saviour and St. Clement, in particular, who currently have less access to such facilities than young people living in the less developed parts of the Island, especially in the west which is well served by Les Creux Country Park." That, as I say, was approved, although there was an amendment from Deputy Morel to remove it from the Island Plan that was defeated. If Members want to know how they voted, I can remind them. It was approved by 33 votes to 9. Deputy Gardiner voted against Deputy Morel's amendment and supported the proposition. Deputy Gorst and then Deputy Kevin Lewis supported the proposition both in 2011 and in March this year and I hope they are going to be consistent and support it today. Deputy Le Hegarat supported it; Deputy Ahier supported it. In fact, the only St.

Helier Deputy who voted against their Constable in March of this year lost his seat in the election. I am not going to embarrass him by naming him. We come up to date to my proposition, my amendment to the Government Plan, and the comments on it, which one Member, when he read them, described to me as insulting. In this, I basically summarise how we got to where we are. I make the point, no mention has been made yet of the money requested, but we are required, if we bring forward a project, to provide for how that is going to be funded and that is why there is an allocation here of £100,000, but it would not be my intention to use a penny of it unless it was necessary. I assume that some work will be required on the land ownership, some money will probably be spent on finding a good home for the current tenant, and if, as the proposition asks, we extend from Warwick Farm into the surrounding areas to provide a bigger country park that meets up with Fern Valley on one side and Vallée des Vaux on the other, then we will need funding to advance those property purchases or those agreements with landowners to try to get the footpath access. So there is a need for some funding, but as I say, it would not be my intention that the feasibility group or the feasibility work would need to spend very much of it. I note also - I forget which debate I was reading or rereading - but one Member objected to the States having to pay to run the country park. I would assure any Members that are concerned about that that our excellent parks and gardens team down the road at the St. Helier Parish depot will be more than capable of maintaining this for the benefit of users from all Parishes. In a way, I have perhaps made a mistake here by even setting out the reasons for this proposition because it has already been accepted, as I say, in the Island Plan. The Island Plan provides for a feasibility study to be in the Government Plan, so why am I rehearsing the arguments, why am I inviting critics of the idea to come back for another go? I suppose I could do that in my summing-up, but I am conscious that we will be getting very tired by the time I sum up, if indeed it is this evening, so I thought I should set out a few of the original objectives of the idea to Members.

[18:15]

I think that is all I need to say at the moment and I look forward to Members' comments.

The Bailiff:

Is the amendment seconded? **[Seconded]**

1.13.2 Deputy K.F. Morel:

As the main proponent named by the Constable in this particular saga, I will step forward to speak first. I do so having said - as I have said to the Constable earlier, because he does seem to think that I am playing some sort of role in this - I have done nothing to bring people around to any particular opinion on this matter except to state my objections and then only once. The problem I have had with this country park that was brought in the Island Plan is that it does displace an innovative business, set up by former firefighters in Jersey, who saw an opportunity to try something new, and against all the odds they have done exactly that. Yes, the Government chose to lease them Warwick Farm on a 9-year lease. Those firefighters have turned that into a really quite remarkable business, which is not only generating money, I am sure, for itself - I do not know how much profit it does or does not make for itself, for the owners - but I know that it has transformed our landscape because you now see hemp growing in fields all around the Island and that is entirely due to this business, Jersey Hemp. It is a cover crop that is used across Jersey which sinks nutrients into the soil and does incredible good for the soil in fields around the Island. I had this real problem with the Government having entered into a lease, a 9-year lease through the Infrastructure Department, which back then, in April or March this year, when we were debating the bridging Island Plan, because of Constable Crowcroft's desire to have a country park - to date he is the only person I have ever heard ask for a country park; I have not heard a single person in this Island else ask for a country park - was going to throw this business out on its ear. The Constable says time and again, he says it in the report, he said in the reports back then: "Oh, they can finish their lease." That is not correct and today that stands as not correct. That was a 9-year lease. I believe it is to go through to 2027. Within weeks

of the Island Plan being passed, and I can only believe that the Constable must have agreed somewhere along the line, a break notice was issued to Jersey Hemp by the Infrastructure Department, reducing their lease from 2027 to the beginning of 2023, January 2023. There was no: “Oh, let them finish their lease”, not at all. In fact, according to the wording of that Island Plan amendment, the country park is meant to be set up by the end of 2025, so there was never any intention on the Constable’s part to allow Jersey Hemp to stay at Warwick Farm to the end of their lease. Now, that would have given them ...

The Connétable of St. Helier:

Can I make a point of order, please?

The Bailiff:

If it is a point of order, yes.

The Connétable of St. Helier:

I just think the Deputy is straying very close to imputing improper motives when he says there was never any intention of me to honour a lease to Jersey Hemp. I think that is ...

Deputy K.F. Morel:

May I?

The Connétable of St. Helier:

It is pure conjecture.

The Bailiff:

The answer is, as I am sure everyone is aware, it is not open to Members in any speech to impute improper motives to other Members of the Assembly, but on the assumption that is not where you are going, Deputy Morel, then please continue.

Deputy K.F. Morel:

I am not. I am just trying to say exactly what is stated in the amendment brought by the Constable himself, which says that at the end of the first sentence: “There should be inserted the words” oh sorry, I do not know if I am looking at the right thing: “at the expiry of the present lease in January 2023.” The lease was until 2027. There was a break clause, which is what the Constable wanted to be used. That is not the end of the lease; that is foreshortening the lease. All I have ever asked is that this country park idea, which I can see lots of value in, as the Constable quite ably just said, is put on hold until this business, which has done so well - run by Jersey people, fire officers - are just given the chance that the Government are faithful to the lease that they signed with them, properly faithful in the spirit as well, because to set up a business such as this, they are growing plants, they are processing those plants into products. It is not something which they can just close down tomorrow. They have put 5 years of hard research. They are the cutting edge of world research in this area as far as C.B.D. (cannabidiol) products are concerned. That is another thing, do not confuse this with medicinal cannabis. This is not the same thing. This is hemp and they are using C.B.D., which is a non-psychoactive element of that hemp, to put in cosmetic products, they are trying to create building products from hempcrete, entirely innovative, at the forefront of world research. All I am asking and all I have ever asked is that we let them finish their lease until 2027 and then you can start looking at the country park. That gives them plenty of time to try and find new premises. Now, the Infrastructure Department, within weeks of the Island Plan debate, as I have said, jumped forward, broke the lease and basically said: “Jersey Hemp, you have to be out at the beginning of January 2023.” That will be 3 weeks from now. Now, thankfully, due to some pressure they have now said: “We will extend that until the end of 2023.” It takes an enormous amount of time to find farm-sized premises in Jersey, I can promise you now. It is not just like finding a little rental office

somewhere. They need longer, and that is all I am asking for, is that this business is given ... that the Government honours what they set out with this business, because otherwise why would anyone in Jersey ever try to innovate, ever try to take the risk themselves ever again? We need an economy which functions, in which people who want to take the risk and try something new think to themselves: “Yes, I can, and I know the Government will not cut me off at the knees in the process.” But that is what this all does. Now, do you not get me wrong, in my mind I do not think that us not inserting the words “money to the project board” in this Government Plan is a problem as far as that amendment to the bridging Island Plan is concerned, because there is not necessarily any need for money in the project board. That can be staffed in other ways. It does not have to be funded financially, so I do not believe that there is in that sense anything by not including the words “country park Warwick Farm” in the Government Plan. I do not believe that means that we are going against the bridging Island Plan in the slightest. That is why I personally object to this amendment because I think we need to do what is right. We need to make sure that business can find new premises, and it will take potentially years to find those premises. Finish that lease at the latest 2027 then they can move out, then the process of doing the country park - which will potentially take years - can take place. That is the proper order of things. That is how you do this while maintaining faith in the Government as a faithful partner when it signs things such as leases. Yes, I do feel as strongly about it as the Constable does his country park and I appreciate that and I have no problem with him wanting his country park, I just wish that he would also let businesses thrive in St. Helier rather than have them cut down at the knees. The other bit I wanted to say is there have already, because of this, been direct impacts on the economy and particularly that business. We know - and I know this not just from the principals at Jersey Hemp but I know it through people who work closely with them and know everything that goes on in that business - foreign direct investment into Jersey, millions of pounds worth of it, has already been stopped because of this country park amendment and the uncertainty Jersey Hemp has over the lease. What happened in March has already cost this Island millions of pounds in investment. That is absolutely a fact. It shows how decisions made here in this way and then carried out in a way without thinking about the real-world consequences have very real-world consequences. All Members, I believe, received an email from members of Jersey Hemp and it says: “As it stands we are proactively seeking alternatives and attempting to find a suitable site for our operations, but we have been unable to do so. We have external investors who had planned to invest significant sums into the business but are now unwilling to do so while we have uncertainty about our tenure. This is all a fairly bleak outlook for a business that was strongly encouraged by both Government and its agencies due to its environmental qualities and a model which seems to meet all of the credentials that were sought for modern enterprise in Jersey. It is no understatement that if the current uncertainty were to continue the business may need to cease trading.” Obviously we know what would happen there. So, all I ask in rejecting the Constable’s amendment here, it is not to stop the country park, it is just to do this in the proper order and let the proper order take its place so that business can survive and succeed and then the country park can happen and flourish afterwards.

1.13.3 Deputy M.R. Scott:

I am going to move away from the area of saving people’s livelihoods at Christmas altogether and just come back to this business about what is in the Island Plan, because what is in the bridging Island Plan right now is a reference to the 2018 Common Strategic Policy that also was approved by the States at the time which is one of the problems generally with a bridging Island Plan. It is already out of date in some ways in terms of the overarching policies that inform it. I do not blame the Constable for just seeing where the States Assembly is in terms of the general petition on the proposal that is in the bridging Island Plan right now, but I might also point out that there is a proposed site for the hospital too on which the Assembly has already shifted. I will also mention about the value of proposals as opposed to policies in the Island Plan. It is something I am sure the Minister for the Environment is going to perhaps have a word about, but basically they are just proposals. I have

come across this in my role as the chairman of the St. Brelade's Bay Association. You can point and say: "There is a proposal that says we will have this" and planning will come back to you and say: "It is only a proposal, it is all up to the Minister for the Environment about whether he is going to go ahead with it because he is the Minister for the Environment." But on the basis - and I will stress - that because there is this reference in the bridging Island Plan to the 2018 Common Strategic Policy, I would point out to the Minister for the Environment that when he talks about not perhaps proceeding with a full Island Plan that is one thing he might like to bear in account. But basically with Warwick Farm itself, it had an actual purpose and that was to help farmers. As you know I am chairman of the Economic and International Affairs Panel, I am not speaking for them but I am aware that at least one Member wants to support new entrants into farming and finding new farming land is difficult and this is government land that has a value there, and by supporting farming we should be able to support everyone.

1.13.4 Deputy S.Y. Mézec:

The one thing I agree with Deputy Morel on is that I think the way that this debate is conducted is certainly not helpful for the current tenant of that site who I would hope most of us would agree is a good business doing good work for Jersey, its products and its employees. **[Approbation]** They deserve better than this and they deserve to have a Government and wider States Assembly that will treat them with respect and do what it can to help that business thrive. I think that what has been particularly unhelpful with this amendment is the way that it has been misrepresented as if it is some form of eviction notice to that tenant when it is not. It is simply the allocation of funds so that a feasibility study may take place and that feasibility study will work out what is feasible. In working out what is feasible I would certainly hope that they would take into account the position of the sitting tenant, its needs and how that relationship can be managed to provide the maximum benefit to the people and the economy of Jersey.

[18:30]

I am very disappointed and in fact I am outraged that the comments that have been lodged by the Council of Ministers are toned in the way they are because they do not seek to make what would be a legitimate argument which is to say we disagree with the amount of money the Constable is proposing, we disagree with the pot of money it is coming from. They are framing it like it is an eviction notice to the tenant when it is not. I think that is out of order. I think it shows discourtesy to the Constable of St. Helier by not offering him a proper argument against his amendment. The fact of the matter is that through 2 Island Plans it has been decided that that site will be the location for a St. Helier country park. That is the current position. If that is to change then a rescindment of that bridging Island Plan decision ought to be brought forward or an alternative site provided for it. That would be how you would go about avoiding some of the issues that Deputy Morel raised. It is not to make the argument that is made in these comments, which is a complete strawman argument because it is not the point of the amendment from the Constable of St. Helier. As a St. Helier South representative and somebody who lives in a densely populated part of St. Helier, I will have to admit that I do not see it as a burning priority for a country park in St. Helier to be delivered as a matter of urgency. I think that green spaces closer to the centre of town are more urgent. But that is not to say that I do not really like the idea of having some form of facility on the outskirts of town. The Constable of St. Helier has referred to Les Creux; I think that having that kind of facility would be wonderful a bit closer to town. But that does not have to be delivered immediately; that can wait a few years to be done, but to know how we get to that point, at some point some people will have to get around a table and work out what is possible, work out what funding might be necessary for it, work out what the timeline might be for it and work out how the issues with the sitting tenant are dealt with properly so that they can be supported to thrive. They do not have an open-ended tenancy for that area with an implicit agreement that they can operate there for ever - they knew that when they set up - but there are options that could be taken to support them. One idea that I personally like

for them would be for the Government to help support them take on a disused glasshouse site somewhere else and get that back in action rather than to lose those sites, because that is what they exist for and that could be killing 2 birds with one stone if we pursued that instead. So I am extremely disappointed in the Council of Ministers for not framing this debate in the way that it ought to be, which is about this money is used for that feasibility study, and instead they have dismissed it offhand with a complete strawman argument, pretending that this amendment is somehow an eviction notice to the tenant when it is not. That is unfair on the tenant for that site and it is unfair on us as States Members to be presented with that false argument. So I am of course left with no choice then but to support the Constable of St. Helier and hope that by sending that signal to the Government that you cannot ignore the decision that has been made by this body ... we are having a lot of those debates lately, are we not, about Government ignoring decisions by the Assembly. I hope the result of this amendment is the same as the previous one. I would say to the Government if you want a different solution come to the Assembly and ask for it rather than presenting comments like this. Then at some point in the near future when that body does its work we can determine what the best way forward is with that country park, whether that is to put it off a little bit longer until an easier time to deliver it, what support that might mean for the sitting tenants that we can all feel comfortable with that they are being done justice, and what may or may not be done in the meantime. I will say the Constable referred to the Millennium Park in his opening speech, and I enjoy telling visitors to the Island about the story of the Millennium Park and one of the things I always say to them as we walk through is: "What year do you think this was built in?" They all say: "I would wager 1999, 2000, 2001 maybe." Then of course we have to tell them when it was delivered, which was a decade late. Is that the situation we are going to be in here, that because we cannot get the politics right around the commitment that we have made for the St. Helier country park that it keeps getting put off and put off and we have these rather undignified debates in the meantime where we send off all the wrong signals to those who live in St. Helier and want access to open green space, and to a sitting tenant whose business deserves to be able to operate in an environment that the Government supports them to thrive in. So I hope Members will say to the Government: "Come back with an alternative if that is what you want to do" but to dismiss this amendment in the terms that they have is unacceptable and showing discourtesy to us.

1.13.5 The Connétable of St. Peter:

I agree with quite a lot that Deputy Mézec said, but there will be a but at some point. I agree it is not an eviction notice. I also agree with your comment quite strongly that there potentially are other sites in the Island. What I do not agree with is making this a priority in this way. By bringing this proposition we are saying we want to do this feasibility study now. We are sending the wrong message to the sitting tenants. We are creating uncertainty; uncertainty will lead to lack of investment. If you are a business today and you are faced with the fact that you will have to leave a large block of agricultural land in a year you simply cannot move that business in that space of time, so why make this a priority against other projects. There are numerous other projects that will create green spaces. I think it is totally wrong to do this; in effect to ask for £100,000 to be allocated to a specific feasibility study for this project. No. What we are saying there is we are trying to kickstart the project, we are going to create a lot of uncertainty, and that business could close. What I will say is that I voted in the Island Plan to rezone that area for a park. What I realised within weeks when I was shown other facts was that I had made a mistake because that business is of very significant value to our economy and, if we promote it, could create even more jobs and more wealth for the Island. I think our biggest priority is to sit down with the sitting tenants and give them certainty and say: "You are here to 2027 and in the meantime we are going to search out those premises that you need." Or we say we made a mistake in the Island Plan, we rescind that decision and we look for another area for the park. That is basically my point. We should not be making this a priority. We are sending out totally the wrong message. It may not be an eviction notice but to those sitting tenants it is going to feel like one.

1.13.6 The Connétable of St. John:

I remember the debate in March of this year. Deputy Mézec has raised some very good points about collaboration, I would suggest, about looking after the existing tenant while working in parallel looking at the solution. We should be able to extend the lease to the end of 2026 which I think was the original date, but we should also be able to start work to look at what can be done and whether or not we could open part of the lower park before the end of the lease. I am not sure where the £100,000 comes from and I will come back to that shortly. In March I spoke in favour of the country park during the bridging Island Plan and as a frequent user of Les Creux, Val de la Mare, and Queen's Valley I see the benefits of additional green leisure space. In the bridging Island Plan we passed 2 fields at Sion for building much needed affordable homes. An additional 60 houses will be at Sion and I am sure the existing residents of Sion and the new residents would benefit, just as St. Helier residents would, from having a country park just to the south of them. In terms of the £100,000 that is the bit that gives me the problem, and I think I heard the Constable say that he did not think as much of that was needed so I would ask him in his summing up to clarify how much he thinks is needed, if anything, in 2023 to start the feasibility.

1.13.7 Deputy A. Howell:

I would just like to echo what the Constable of St. Peter has said. I had never seen a hemp farm before. We were very lucky to be able to go and see it and the tenants there are doing an amazing job and it is a very innovative business. I agree with the last 2 speakers that we should carry on with their tenancy for as long possible. They have invested huge amounts, millions of pounds, into their business and I think there may be other solutions to the area for St. Helier. There is Adelina Wood that they can use, and I think it would be good that we get together and perhaps there is a better solution to this. If I had been here I would not have voted for this area to be a country park. I understand that St. Helier needs green space but I think we need to get together and not go ahead with this amendment at the moment.

1.13.8 Deputy M.R. Le Hegarat:

The Constable is correct in that I voted for the country park but what I think he failed to say was the fact I also voted in favour of the amendment brought by Deputy Morel. Having been or come from a tenant farmer background I am very minded that we need to preserve spaces for that purpose. It is very difficult because obviously I also represent district north and I am conscious of the fact that we need to ensure that there is much green space for them. I have seen this site on more than one occasion, yes, like others seeing the hemp farm but I have seen it previously to that in other produce things being grown there. From my perspective, as I said at the time, I voted in favour that they would have been able to continue and at least finish their lease. What I would like to see is the fact that when we are building the large hospital at the top of the hill there was going to be a superhighway - and I am going to say that - going up Westmount and that meant the eviction of the bowling club. Strangely enough the bowling club was actually going to be going to Warwick Farm. So what I would like to throw out there into the mix is the fact that I should think we leave the tenants there and I think we should endeavour to try and find an alternative; but for those of you that have walked around this site it is enormous, it is a huge site and I think there might be more than one thing that can be on that site. Before we close our minds to do we have a hemp farm or do we have a country park, I think maybe we need to sort of look at some of the options that may already be sitting there. If we were going to have a bowling club there then there is obviously some green space there that can be used to start the process. So I think the thing is let us not forget that there could be different options.

1.13.9 Deputy I. Gardiner:

I would like to echo Deputy Le Hegarat that more than one thing can be done on that side. I felt the need to stand up because also my name was mentioned and I voted in favour. But 2 things happened

since then. First I had my second visit to Warwick Farm and I have seen huge development. When I spoke previously in the Assembly I remembered Warwick Farm 3 years ago when it was one lab and a couple of houses, but after the debate through the summer, through the election campaign I visited them again and I was impressed the development that has been done on the site. To move this operation we are not just talking about hemp oil, we are talking about construction blocks, we are talking about clean food production for animals, it is all organic, it is all natural. So my views about finding the new premises changed. I do believe we need a country park but it can be done in 2027 when we find another property and in the meantime we can use it. Something else I would like to throw into the consideration, I was canvassing at Vallée des Vaux - now it is my district, it was not fully my district before - and I spoke with the residents and residents' feelings are mixed, because I wrote it down.

[18:45]

They are not sure what the effect of this country park would have on Vallée des Vaux. I would like to ask the Constable what the engagement was with the National Trust. Again I did not have a direct conversation but I have had different opinions from the National Trust. Are they supporting this idea and if yes in which form? Also we have Vallée des Vaux, the Parish needs to continue and develop and we can work on this together because Vallée des Vaux is amazing green space that is completely unused. We can protect the flora and fauna, brings schools and use this green space of the area that is not used much. As the Constable is now part of the Future Places group, as myself as well, this is where we can discuss about the next steps and, as Deputy Mézec said, I would like to see first development in the centre of St. Helier. At Future Places we already allocated Le Bas and Springfield spaces to be future parks. So there is process and if we need to find the money for feasibility study through the discussion, through this group, we will walk together. It is not about rescinding, nobody wants to rescind; we are just saying it is not today. We need to make sure that we work together and it will be delivered. As a St. Helier North Deputy, I will be working with the Constable to make sure that it is happening. But this £100,000 does not sound right today.

1.13.10 Deputy T. Binet:

Very briefly; I know everybody is probably getting tired. I had prepared to say quite a bit more because I thought I was responding but I think there are still probably one or 2 things that need to be focused on. For my money, Warwick Farm to be of use to a good number of people, particularly children, it is far too far from town. I have had this discussion on a number of occasions with the Constable and I had suggested trying to identify - and before everybody falls down I have to warn them - agricultural land a lot closer to town that would be a lot more useable. I just make the point that I think within the next 12 to 24 months we are going to be crying out for uses for agricultural land because from what I hear we are going very much in that direction. It just seems to me to make an awful lot more sense to identify some land, try and negotiate with the owners and put a park together, and you can do this straight away. You can put a park together much, much closer to St. Helier which would be of much more use. That will give plenty of time to find new premises for the existing tenant at Warwick Farm, who I agree are doing a fantastic job, and it allows for that site to be used for something a lot more valuable going forward. Having been to the site and seen there are some beautiful mature trees in the middle, you can have a sort of pocket park and really make a nice environment up in that neck of the woods as well. But I think it is much, much more sensible, rather than spending £100,000 now on something that is not in the right place I just think it is the wrong time and the wrong thing to be doing. We can focus much closer to town, move much quicker and get a much better product, so for that reason I am afraid it is with some regret I cannot support the Constable.

1.13.11 Deputy L.V. Feltham:

I would just like to draw the Assembly's attention to the wording of the actual amendment, which is calling for an additional feasibility project, and that project is entitled "St. Helier Country Park". It does not in the wording of the amendment specifically refer to the location of that park so for me this is quite important, and even more important, given all of the reservations and the questions that Members have brought up, because I feel that this funding and this feasibility study could be used to answer some of the questions. It could answer the questions around is this the right location, can it work, is there a better location. A feasibility study would also look at what would be the implications for the people currently utilising the space, what would be the implications for the nearby residents. So I would urge those Members that have spoken against on the basis that they have reservations about whether this is the right solution for a country park to think again, to look at the wording of the amendment, and to think about whether a feasibility study is the right next step. I think it is the right next step. If a feasibility study then comes up and says this is the incorrect location, people do not want it, there is a better place, then we can work on that. But we are then working on that and planning a project in full knowledge. So I will be supporting this amendment.

1.13.12 Deputy K.L. Moore:

If I could just cast Members' minds back to the Common Strategic Policy and our commitment to creating a community where everyone can thrive. The population of St. Helier generally is centred around the centre of town and we all made commitments in that C.S.P. (Common Strategic Policy) to improve the surroundings and the experience of living in St. Helier. It is for that reason that we have been really pleased to have the much-respected Constable as a member of our Future Places group, and with him we have discussed very much how we can improve the centre of St. Helier and in particular how we can deliver green spaces that St. Helier residents can enjoy, that will see an improvement in the surroundings within which they live, and also give them easy access to those green spaces where they can rest, get some fresh air and simply be or play. It is our view that those parks - and with, we thought, the agreement of the Constable - was the right way to go and the right way to direct our efforts in the initial stages because there is so much improvement needed in St. Helier for those 30,000 people and particularly for those children. I can remind Members that if you go and speak to the teachers at Springfield School they will tell you how little access their pupils have to open spaces when they go home. Over 90 per cent of those pupils have no access to open space when they go home, neither communal nor private open space. That is something that we are all dedicated to changing so we have to focus on our priorities, and for me our priorities should be in the centre of town. Not a drive away. Not almost in Trinity. So I really would urge Members to reject this amendment because there really are greater priorities to be achieved sooner.

1.13.13 Deputy J. Renouf:

I am rising I am afraid to perhaps disappoint people. A couple of people have expressed an interest in hearing my view and I am afraid I am very wary of commenting in this debate and, in particular, I do not wish to comment on the merits or otherwise of the country park. That is because as Minister for the Environment I may be called upon to determine planning applications relating to Warwick Farm. If I express a view one way or another as to what the best use of that site is then I fear I would risk compromising my impartiality in that eventuality so I am afraid that is all I have to say.

1.13.14 Deputy L.J. Farnham:

I am not sure many Members will have more support for the hemp and cannabis industry than I do given the work we did on it at Economic Development over the past few years. My support for Jersey Hemp and what they are doing is in line with Deputy Morel's in terms of supporting that business and other businesses like that, that we might see appearing in the years ahead. I think Deputy Le Hegarat might have mentioned this, I was next door at the time but I think I heard it, that actually the break clause in the lease was exercised due to the hospital project and the fact that if the new road to

Overdale was to be built the bowling club was going to be relocated to Warwick Farm. I think that was at the heart of the break clause being exercised by the Infrastructure Department. I want to support the Constable of St. Helier but I want absolute assurance that Jersey Hemp's lease will not be shortened in any way, shape or form. They would be allowed to see their lease out and given all the support they can to relocate. As I think they understood at the beginning of the lease, it was not going to be a for ever long-term lease, it was to get them going and they would have time to relocate, so we should not shorten that. I understand the break clause was triggered so I am not sure if any Minister or the Constable knows whether they are working to a lease that is due to expire and, if so, surely the Government can change that and reinstate it whatever the decision today. They can reinstate the clause so that Jersey Hemp has the security of their 9-year lease so they can continue to invest in and plan for the business. I am sorry I did not speak before the Minister for Infrastructure, he probably knows that, but as far as I know if a break clause was triggered then that can be reversed by the Government and Jersey Hemp can be allowed to see their lease through and we can get on with doing a proper feasibility study for what I think could be a very useful piece of environment through a country park.

The Bailiff:

Does any other Member wish to speak? If no other Member wishes to speak then I close the debate and call upon the Connétable of St. Helier to respond.

1.13.15 The Connétable of St. Helier:

I am just going to pick up on Deputy Farnham's query at the end because I am really pleased he has raised this. The lease enjoyed by the current tenants was taken out in 2017 and expires in January 2026. It is unfortunate - and I should have spotted it - that the Island Plan date is 2025 so the year is different. I will certainly give my undertaking, as I did in March when we had the same debate more or less, that it is not my intention to see anyone - particularly such a successful operation - suffer from a broken lease. Deputy Farnham is quite right; the reason the lease was shortened was because - and he was part of the process - it was decided to knock down the Jersey Bowling Club and they had to find somewhere else to put it. That is why the Minister for Infrastructure of the day had to shorten the lease to make sure that the bowling club would have somewhere to go. There is no conspiracy here. In his opening speech Deputy Morel suggested that there was something nefarious going on. I mean, it is clearly practical and pragmatic that the Government wanted to make sure that the bowling club had somewhere to go to and it may be that that situation has not been changed because we still do not know where the bowling club is going to go. I mean, we have had assurances from the new Government that it is not their plan to dig up the road and create a superhighway and knock down a bowling club of more than a century in existence. That is my hunch, but I am sure we can resolve this matter fairly quickly by asking Infrastructure to look into the lease of Jersey Hemp and give them their full 9 years. But that does not help this evening because what I am hearing, and what the current tenants will be hearing from the Assembly if they are listening, is very much mixed messages. We are hearing from some Members that this is the wrong place to have a country park. We just heard from the Chief Minister that they are going to do all these lovely green spaces in the town centre because she does not get the difference between a town centre green space and a country park. If people have not been to Les Creux and seen what is on offer there, well, perhaps they do not get the difference. So to say that children need to leave their school or leave their home and go and play in a nearby park is absolutely true but on the weekend they want to take advantage of their free bus pass from Deputy Ward, get on the bus, there is a bus stop at Warwick Farm, go up to Warwick Farm and use a zip wire. Are we going to be told there is going to be a zip wire if they turn Springfield into a park? Is there going to be horse-riding if they manage to get these other sites they are talking about? I do not think so. A country park is a completely different experience for a child than a town park and there has been a real confusion I think in the debate about that.

[19:00]

Trying to say this Government is a champion of amenity space for St. Helier while voting down the creation of a country park that has been on the books for 2 Island Plans. The word Orwellian comes to mind sometimes when I am in this Assembly. It does seem to me to be a little bit reminiscent of 1984 that you could have a Government that is turning down 2 Island Plans worth of commitment to a country park in the name of improving open space in St. Helier. That is worthy of Squealer in “Animal Farm”. That is worthy of the Ministry of Truth in 1984; so I do not buy it. I was disappointed that Deputy Morel started by saying it is the Constable of St. Helier’s big scheme, nobody else, he says, wants it. Well, I will just remind Deputy Morel I have been elected by the largest mandate in the Island and it is in my manifesto, so excuse me for saying that I think I have some backing for this project. I have numerous emails and letters from people, including people who do not live in St. Helier, who get it. They have been to country parks in the U.K. and they know the kind of activities that their children can enjoy. Of course if it was really a matter of the lease that is bothering the Council of Ministers they could have amended my amendment. They could have said “upon expiry of the original lease” but they did not do that, probably because most of them do not want it to stop. They want to renew the lease because it is going to run out in January 2026. That gives us 3 years to plan for the country park if the Council of Ministers really wants a country park for St. Helier. Some of them seem to think we could buy up agricultural fields on the way into town and put one there. Well, pardon me for thinking that is cloud cuckoo land. It is not going to happen. I am not going to go through all the individual speakers because Members can hear I am losing my voice but I think I have given a complete assurance, an absolute assurance as I did in March, that it is not my intention to see the current tenants have their lease shortened by one day. But what I do want to do is to get started on the feasibility work that is going to take 3 years. Also I want to help them find somewhere else. It may be that somewhere else comes up faster than the end of their lease, in which case I am sure we will do what we can to help, but it may well be they might need a bit longer. I am a reasonable person, after all, I have been trying to get this project through now for 11 years. I think a year or 2 is not going to make any difference. But, as I say, my suspicion is that resistance to this amendment is not about the time it is about the thing itself, the thing itself which is approved by the States in 2 Island Plans. As I say, if I lose this proposition I will come back in March. I have to leave 3 months before it can be re-debated, and I will come back in March and I will ask the States to agree that on the expiry of the present lease the States agrees to set up a country park at Warwick Farm and let us find out what people really think about this project. As it is, I would like to get stuck into it now, I would like to get that feasibility group together. As I say, I do not think we need to spend much of the money but we have to put a figure in to even get it in the Island Plan, and I ask Members for their support.

The Bailiff:

Thank you very much, Connétable. Do you call for the *appel*? The *appel* is called for. I invite Members to return to their seats. I ask the Greffier to open the voting. The vote is on the fifth amendment, country parks. If Members have had the opportunity of casting their votes then I ask the Greffier to close the voting. The amendment has been defeated.

POUR: 20		CONTRE: 25		ABSTAIN: 0
Connétable of St. Helier		Connétable of St. Peter		
Connétable of St. Lawrence		Connétable of St. Ouen		
Connétable of St. Brelade		Deputy C.F. Labey		
Connétable of Trinity		Deputy S.G. Luce		
Connétable of St. Martin		Deputy K.F. Morel		
Connétable of St. Clement		Deputy M.R. Le Hegarat		
Connétable of Grouville		Deputy S.M. Ahier		
Deputy G..P. Southern		Deputy I. Gardiner		
Deputy M. Tadier		Deputy I.J. Gorst		

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

The Bailiff:

The next amendment listed in the running order is the seventh amendment which is the St. Helier Conseil Municipal, and the main responder will be the Chief Minister. Connétable?

The Connétable of St. Helier:

I had a very useful conversation with the Chief Minister yesterday in which she indicated she would support this matter if I brought it as a standalone proposition in the new year, which I am quite happy to do if it shortens our time here today.

The Bailiff:

So are you indicating you are going to withdraw your amendment?

The Connétable of St. Helier:

Yes, unless I misunderstood the Chief Minister I am very happy to withdraw it.

The Bailiff:

Chief Minister, did you want to comment as to whether the Connétable's understanding is correct?

Deputy K.L. Moore:

There or thereabouts, Sir. Yes, we did discuss what the Constable was trying to achieve with his conseil municipal, and we agreed I think that it was really a matter for the Assembly not the financial request that he is making because he did not feel that there was a financial request of the amount he was indicating in his amendment. It was the other aspects of the work of the conseil that the Constable would like the Assembly to debate.

The Bailiff:

Connétable, you indicated you thought the Chief Minister was going to support if it was brought in the new year, the Chief Minister said it is a matter for the Assembly and I am not sure I understand what the position is.

Deputy K.L. Moore:

Apologies, sorry, Connétable, if I had missed out that fine point, then I do support the creation of the conseil as the Constable wishes.

The Bailiff:

Very well, Connétable, do you withdraw?

The Connétable of St. Helier:

Yes, please.

1.14 Proposed Government Plan 2023-2026 (P.97/2022): twenty-first amendment (P.97/2026 Amd.(21)) - Gas Place Primary School Site

The Bailiff:

Very well, the amendment is withdrawn. The next is the twenty-first amendment, Gas Place Primary School Site, lodged by the Council of Ministers. The main responder will be the Minister for the Environment and I will ask the Greffier to read the amendment.

The Greffier of the States:

Paragraph (i) – After the words “set out in Appendix 3 to the Report” insert the words – “except that, on Page 55, after the words “while the review of the project is concluded.” insert the following words – “This Head of Expenditure is also expected to be used to secure sites relating to the use of the Gas Place for a new primary school. The school would be set in an extension to the Millennium Town Park and Islanders should enjoy the maximum possible community access to and use of its facilities. In addition, the current Springfield School and Le Bas Centre sites will be transformed into new community open spaces, helping to create green access corridors for moving to and around the new school, and improvements to public realm and local active travel access routes, including to St. Saviour schools.””

The Bailiff:

Chief Minister, I should have asked whether you were accepting either of the 2 amendments because we could have taken those as read, but are you able to indicate whether you are accepting either of them?

Deputy K.L. Moore:

I do not believe we are.

The Bailiff:

Very well, in which case, Chief Minister?

1.14.1 Deputy K.L. Moore (The Chief Minister):

Apologies, there is some confusion here about who is responding to which. As I mentioned in my previous speech, the Common Strategic Policy committed to modernising school facilities, particularly in St. Helier, and it makes a firm commitment to create schools that are hubs within our communities, hosting multiple services for children and their families and making the best use of education facilities for the whole community. It also commits to ensure that Jersey’s children and young people can access green space wherever they live, learn and play. This amendment seeks to go to the heart of these 2 vital and related issues by presenting an ambitious and balanced route to create new, modern and high-quality primary school facilities for children and families living in the east of town, and to ensure that all town residents and visitors to the area have access to more and well-distributed open spaces. The amendment proposes the creation of around 12,000 square metres of new, public open space at the Springfield School - the current one - and the Le Bas Centre sites, a

space of around a third larger than the current 9,000 square metres that is potentially available that Gas Place site. Work to date has concluded that 2 new primary schools are needed to meet these requirements with the current number of forms of entry retained following any building programme. There are currently 14 forms of entry across 8 town schools. The Town Primary School Review report, published by the Minister for Children and Education on 20th October this year, sets out the findings of a wide-ranging site assessment process which was undertaken by Jersey Property Holdings, and supports the approach taken in this amendment. The site assessment concluded that there were no private sites of sufficient size or appropriate location within St. Helier. This amendment supports the position in the bridging Island Plan, as proposed by Deputy Ward, that a school should be built on Gas Place if no alternative suitable site can be found. We have done the work and sadly no alternative suitable site exists. I, therefore, move the amendment.

The Bailiff:

Is the amendment seconded? **[Seconded]**

1.15 Proposed Government Plan 2023-2026 (P.97/2022): twenty-first amendment (P.97/2022 Amd.(21)) - amendment (P.97/2022 Amd.(21).Amd) - Gas Place Primary School Site

The Bailiff:

There are 2 amendments to this amendment, the first amendment is lodged by Deputy Coles and I ask the Greffier to read that amendment to the amendment.

The Greffier of the States:

For the words “This Head of Expenditure is also expected to be used to secure sites relating to the use of the Gas Place for a new primary school. The school would be set in an extension to the Millennium Town Park” substitute the words “This Head of Expenditure is also expected to be used to secure sites relating to a new primary school on either the Gas Place or the former Play.com site (BOA Warehouse), with a rapid review of both options to be brought to the Assembly within 100 days. The school would be either set in an extension of or adjacent to the Millennium Town Park”.

1.15.1 Deputy T.A. Coles:

I wanted to start by saying that whatever the outcome of the vote on this amendment is a win for this area of St. Helier. We gain a new and much needed school as well as gain additional open and green space for people to enjoy. One of my Reform Jersey colleagues brought the amendment to the bridging Island Plan to make the Gas Place site for education and to prevent this area from becoming flats. So if this site becomes a school, wonderful. If the Springfield School site becomes a park, fantastic. However, during the election constituents of the area made comments that they wanted the park to be extended. I made the pledge to them that if an alternative presented itself I would ensure that it was considered and I believe that this is the alternative. Previous Assemblies have been accused of not acting or acting too slowly when opportunities come along that could change the course of action. I feel that this is one of these opportunities and we must take it. It is worth mentioning now that if this amendment is not accepted that the Millennium Park debate ends here and it ends now and it ends for good. There will be no revisiting it in the future. Why do I think that BOA Play.com’s site should be considered? Well, if this site proves feasible we will be able to extend the Millennium Park and the conversation can continue. Why is extending the park better than the options of additional open and green space at Le Bas Centre? At the moment Millennium Park offers a landscaped area, a flat, green grass area, a caged play area and a children’s play area. I believe this additional section could be used to plant a town arboretum bringing more trees into St. Helier and bringing education opportunities to learn about certain species and native species of trees and create a pocket woodland.

[19:15]

I have concerns about the site as a school as with the proposed use of the green space for both the school and the general public. There are safeguarding issues to be considered with the Planning Committee recently rejecting an application for J.C.G. (Jersey College for Girls) and J.C.P. (Jersey College Prep) for a field for education purposes due to the right of public access. They said that they would have to have gates that were locked to prevent dog walkers and the like from using the field outside of school hours as the authorities from the school identified health and safety issues, and that a gate would also have to be unlocked to allow students to walk in before and out after school, and then being locked again outside of the school day. A commonly used unofficial footpath which the Parish of St. Saviour wants to make a formal footpath would have to be blocked off because of safeguarding issues. So how will the new green space be allowed to be shared in such a way as the Government is suggesting? It does not sound like it can. We are also talking about a school that will be exposed on all 4 sides unless a large fence or a wall is erected around the whole perimeter there will always be safeguarding issues. I would mention the apartments that I acknowledge have planning permission but question whether they would have based Deputy Alex Curtis' keen eye as they only just meet the minimum standards with most of the 2-bedroom apartments designed around the maximum occupancy of 3 people. It was questioned around the Kensington Place development whether these are the kinds of homes that we want to be providing, and I question that the homes planned for the Play.com site ... maybe something better can come back for the Le Bas site as a compromise. I am wary of the time and the fact we are late on a Thursday evening, so I will leave that there and look forward to everybody's comments.

The Bailiff:

Is the amendment seconded? **[Seconded]**

Deputy S.Y. Mézec:

Sir, just before the debate states could I just, in the interests of transparency, declare a slight interest in this in that I am a tenant who rents my home right next to the boundary of the Play.com warehouse site. Obviously I do not own that property and so that is not entirely relevant, and there will be disruption next door either way as this goes, but I just wanted that on record that I do live right in that area.

The Bailiff:

Thank you, Deputy. Obviously it does not require you to take any steps.

1.15.2 Deputy D. Warr:

I recognise that in my manifesto I said that Millennium Park had to be extended, no ifs, no buts. Thousands of people live in this area ... **[Approbation]** I am pleased to see Reform have been reading my manifesto. Thousands of people live in this area with no green space; they deserve better. I have not changed my mind, I still believe the town residents need green space but I also now recognise that the issues are significantly more complex. The good news is that what this Government is proposing is to have more green space, a new school, and desperately needed housing as recognised by Deputy Coles. Prior to the election Deputy Ward responded to my manifesto, and I paraphrase, warning that I consider the reality of the needs of all St. Helier residents, I think he tweeted me. He said that his amendment recognised the desperate need for a primary school and extension to the park. It is nice to get a tweet back in response. I agree. So why is there a need for an amendment when we agree on so much? Why is there a need to delay these plans that will deliver what we all want? Because of this I did write to Deputy Coles asking him to consider withdrawing the amendment, after all we want the same thing, but frustratingly Deputy Coles refused. So what is the purpose of delaying for a further 100 days? This Government wants to get things done. We have already done the work that Deputy Coles wants us to do; the Future Places Ministerial Group reviewed the possibility of a school on the Play.com site as well as several other locations. We

scoured town. However, considering all the options I can say with confidence that I was swayed by the argument for a school on the Gas Place site. I have seen some really imaginative plans for exciting new schools in urban areas and I will be paying a lot of attention to the design of this new school. This amendment does not acknowledge the Island's need for homes. We are in a housing crisis. Deputy Coles will know that his party has already rejected all of the proposed rezoned greenfields in the bridging Island Plan and I agree with the principle that we should make the best use of our already built environment. That is why I brought forward an action plan on vacant homes. That is why we are looking at the Airbnb regulation; thank you to Deputy Renouf. That is why we are looking at proposals for a rent-a-room scheme. That is why the northern quarter site is so key to helping us deliver the 4,000 new homes that the Island requires by 2025. I visited the northern quarter site myself last week, meeting the developers and Andium Homes, and they stressed to me the importance of getting on with the job of building more homes for our Islanders. Halting the northern quarter development at the former Play.com site will have a huge impact on our construction industry. The last thing we want to happen is for developers to lose confidence in working alongside a Government that is seen to continually change its mind. Now is not the time to take jobs away from Islanders, nor is it right that we risk financial compensation by interrupting an existing commercial contract. The Government has learned from what happened at Kensington Place where a housing development was stopped so that the site could be made available for the new hospital. It is a case of once bitten, twice shy. Although that decision was justified because there were no other nearby sites available, we would not be in a hurry to do it again. This time we already have an ideal site, Gas Place delivers a school, extra park space, and affordable housing. Under our amendment, we recognise the need for green space in the north of town. That is why we are proposing that Springfield School and Le Bas Centre become parks. As a result, we will deliver 12,000 square metres of green space as opposed to 9,000 square metres by extending the current park. As I have said, I did want to extend Millennium Park for our town community, but delaying something we all want is surely inappropriate. Given the competing needs of our community and the limited space available, I have concluded that what the Government is offering is the best solution for our town residents, for our children, and for our Island as a whole. I urge the Assembly to reject this amendment to avoid further delay.

1.15.3 Deputy R.J. Ward:

It is nice to follow the Minister. I am glad he is reading my Tweets. I do not Tweet that often because it is a toxic place, but anyway. I am glad that the Minister changed his mind when he read our manifesto. It is good to see that really quality documents can be understood, appreciated, and acted upon. I had to say that. I want to make a point here. As in my first term, as a newbie, I spent so much time coming up with things for this area. The Nelson Street in the Government, I think it was the regional, I have lost track of where it was, it might have been the original Government Plan, the bridging Island Plan, or a combination of both or standalone positions, many of them. The Nelson Street site for our youth facility, which we had the money for, it is still there I hope, I still do not know what we are doing with that, but that is available as well. So if the Minister is in his changing-mind mode, go for it, let me encourage that even more. One of the issues has been ... one of the really serious issues has been around any decision-making is who is responsible, Minister for Infrastructure, Minister for Education, Minister for the Environment, Minister for Housing and Communities, miscellaneous Minister, nobody has really had any time to make a final decision and say: "Yes, we can agree this in the Assembly" and there is a theme developing here now, but nothing gets done and they do not happen. That has been one of the real issues here. I am pleased to see that the argument around Gas Place has been accepted and also very pleased to see that the development of Springfield, which by the way I am going to say is a wonderful school, and I would urge all Members to read its latest review, because they are making incredible opportunities in facilities that they should not have to put up with. The staff and the students and the parents of that school have to be noted for that. I am not just saying that, there is no election nearby, we have years to go and who knows what will happen. I will be winning the pools by then. That does not exist anymore. But one day next year

we will be millionaires, as they say. But that is a really important point to make about that school. So then I brought the amendment to protect Gas Place, and I am so glad that Deputy Coles got that in. Because I was ready to jump in and say: "You have missed a key point there" but thankfully my colleague read it properly. That area was originally housing, really dense housing, and not just dense housing but virtually none of it was affordable housing or for rent. In fact that development, which by the way was a huge mistake by the Assembly before last, I do not think they read the small print at all, was mostly to be sold on the open market and totally unaffordable, especially the nice places overlooking the park. Those developments in that area are the problem. What we have done is we have created a green space in the centre of town and we have made it an area where we can just build and build and build and build and build. To be quite frank, the Play.com development is too much for that area. This is a slightly different issue. But it is too much for that area. We have, I was going to say by Cafejac, but the Arts Centre, the development there, its name has gone out of my head, Ann Court and the brewery site, there are so many places going up there. There is such dense housing. But we do not have a choice other than to build a new primary school facility and a new purpose-built facility for our young children to walk to with their families. That is really saying to these children: "We value you." So I am so pleased that somewhere along this debate we are going to get somewhere. But let us talk about this amendment to the amendment, I think it is, thank you, Deputy Coles. This is important because it really does increase the opportunity for that area. It takes a space that can be used to build the primary school, the Play.com site, and extend the park, and have Springfield, and the Le Bas Centre. That is real greening of the centre of St. Helier. If we can achieve that in this 3 years, and I really do not mind who takes the credit, you take the credit, put your name on the plaques, I do not mind what happens, open it, get the scissors out, you will have to fight the Constable of St. Helier for those. But get the scissors out and open it. I do not mind. But in the end the legacy needs to be that these facilities are available for the centre of St. Helier because they will improve people's lives. What this amendment to the amendment is saying, in the 100 days, which seems to be popular with Government, is to say genuinely look at this site. Do not go with preconceptions but step back, in the spirit of consensus and working with the Deputies in that area and the ability to change your mind, which is lovely, which is an important thing, let us take a look at it. I do not believe it will slow anything down. We, the Deputies, have not seen the plans. We have not seen the outcome of what is planned there. Nobody has come to talk to us and said: "This is what will happen." We have not seen, for example, assurances about the contamination on the land in that area, which we need to know about before a school is built there. Because what could happen is that land could not be suitable for a school, it could be cleared for an open green site, and then we will be looking somewhere else. Without the consideration of the Play.com site, we could lose that opportunity. Let me give you an example of where that happened, the youth facility in the north of town, the Cellar building, the opportunity was lost. Now it is flats because it was not taken at the time. There was a window of opportunity to look at it carefully and really consider it as the place to be and it was not taken and it was lost. All we are saying to Government and Council of Ministers is please just take that opportunity now. Carry on with your work with Gas Place. Carry on with looking at it. Carry on with producing the plans. Carry on with doing whatever you want to do with the other things. Who is signing this off? That is a question I must ask. Who is the final sign-off; is it the Minister for Infrastructure? I believe it is the Minister for Infrastructure. So let us genuinely consider that site. Because the cost, we have to take on the cost whatever it is, because the investment in that area is needed for our children. We need another site for another school, I would suggest the end of the I.F.C. site is not being used, which is really centre of town, although there is a lot of traffic nearby, so I am not so sure about that. But I cannot think of another site by the new waterfront development where you are desperately going to need some schools for children, otherwise you are going to have transport across town, people driving back to their houses and then walking to work again, which is going to create absolute mayhem in the way that we do things, so it needs some real planning.

[19:30]

But there are opportunities there. I stood on a manifesto, knocking on the houses that are next to the park to say to them: "I do not think we are going to extend the park, we are going to build a school there and turn into Springfield into a park." Being ready, you know, stepping back a little bit from the front door, thinking: "Here you go, this is the manifesto we stood on" and the reception was wonderful, whether we agreed or not, because we had that dialogue. When we got into the in-depth dialogue about what was needed for the area, people were open-minded, intelligent, and thought this through. We could have that political dialogue, the sort of thing that we desperately need with constituents. Now I think that dialogue extended to talking about the Play.com is exactly the same sort of thing that needs to happen now. That is why in that 100 days it is an opportunity to go and knock on the doors, go and talk to people and say: "Okay, this is another opportunity to extend the park in the way that you wanted to but build that school there." This is an opportunity, before we lose it, and that is the desperation in my voice. We have seen it before. I mentioned the youth facility, that has happened elsewhere. There were plans in at the brewery site for a youth facility. I do not know what has happened to them. But that is another opportunity that is going out the window. More opportunities going because decisions are not being made or joined-up thinking is not happening. I guarantee, Ministers, that if you do this and you come back to us and you talk to us, how many Deputies have we got in that area, I have lost count there are so many; we have so many, but there you go. That we will sit down with you and we will reason through with you and if that is the correct answer we will say to you: "Fair enough, you cannot use it, go on with Gas Place, all power to you", but we will be behind you. But, as Deputy Coles says, we have to take the opportunity to look at it because that is the discussions we had on the doorstep as well. Now I regret that we have not done that before. I regret that there were some rather large buildings there, I do not know why they are there, but I think we could do other things with, but there you go. I regret that there has not been the consultation in that area over the last 4 years with the Deputies and representatives nearby. We know people there because we are there all the time to go through it. I hope that the approach from the Council of Ministers to this is going to be both conciliatory, thoughtful, and considerate of this as an idea. I know we are getting to the end of the day and I am sorry about going on a little bit but this is something I have spent 4 years on now and so if I spend 11 minutes on it I apologise. But we have to get somewhere and we must not miss these opportunities. Just do not miss the opportunities. That is the last thing I want to say apart from we mentioned Kensington Place; you made your mind up on that before. Le Bas Centre perhaps even could be the replacement, I do not know. We will have to look at that. But I think the review was done by the last Government anyway, so we cannot all take credit for that, it was done there, it is a shame it was so late. I have to say, as the chair of the panel that scrutinised it, we did ask for it about 500 times, but we will not go into that now. I am not blaming this current Minister for that. I know where we were with that one. But please let us just look at every single opportunity before we make that final choice and then let us crack on with it because that 100 days is not going to be the end of it in terms of stopping the other project. So that is the plea I make to the Assembly, please support this amendment to the amendment.

1.15.4 Deputy S.Y. Mézec:

I will start with these sets of points and hopefully get a bit more positive in my remarks as we go along. But it was an immense sense of frustration for me during the election campaign earlier this year when one candidate in St. Helier South, on more than one occasion, referred to Reform Jersey's position on this, telling voters that we were against extending Millennium Park. I found that very frustrating because I thought that completely misrepresented the nuance there was in our situation, in our policy on this, which was that rather than having homes built on the gas works site, that we would prefer a school to be built there and that we would support that, unless there was a better site, which became available. I was annoyed by that misrepresentation and I find myself now annoyed that a candidate that stood and said: "We must extend the Millennium Park on to the gas works site", no ifs, no buts, has now found some very big ifs and some very big buts. I personally do not think

that is a good way to conduct yourself through an election and the promises we make to our voters ought to be sacrosanct. It causes disillusionment in politics when people make such clear promises at election time and then forget about them merely months after they were elected. I do not think that does anything good for our politics. But I will hold my hands up and say that through that election campaign and for a brief period of time after that I had absolutely no idea whatsoever that Andium Homes were considering taking on part of the Play.com warehouse site. I simply had no idea of that at that point. Had we known that, then perhaps we may have taken a stronger position on that in presenting it as an alternative for the school to be built. That would have provided greater clarity there. It is not the case that the wider Assembly and the representatives of St. Helier, remember we are meant to have an inclusive and collaborative Government now, it has not presented to me as a St. Helier resident and representative, nor those who represent St. Helier South and Central, which cover this area, any kind of clear evidence that that site is not suitable for a school to be built on, when I believe it very well may be suitable. That is why Deputy Coles proposed 100 days to come back and demonstrate what that could look like, what comparison can be made there, and for us to make a more-informed choice on this. As for the homes that are due to be built on the Play.com warehouse site, as a representative of that area and a resident in the community there, I paid close attention to the various iterations of planning applications that were made for that when it was due to be a purely private sector housing development. I remember with anger seeing, after a planning application had been accepted for that site, an application to alter that planning permission was made when Andium Homes came forward as the new owner of the gas works site with a proposal, instead of building homes on the whole site, to build homes on some of the site and extended parkland on the rest of it, that the proposed developers for the Play.com warehouse site came forward and said: "There is going to be more green space in this part of town, therefore we can cram some more flats in that tight area behind the Grand Marché." I was angry with that because I saw it as cramming more and more homes in that space and using as justification for it the public investment that was being made in the site nearby. I am disappointed that the Planning Committee of the day went: "Yes, fine, that is absolutely okay." But now we are looking at a situation where it may well be the case that gas works site gets used for a new school, and I think objectively that is not a bad thing by any stretch. But it does disrupt what were the proposals from Andium to extend the parkland on that site. Are we going to go back on the planning application amendment that was made for the Play.com warehouse site and say: "No, you have lost your justification for that density of flats there." The answer to that of course is no. It does stick in the teeth a bit to be told by Members of the Government about the disruption this may cause and the breakdown of relationships it may cause with developers for us to take the rug from under their carpet like that. I have 2 words to the proponents of that argument, I bet he knows what words those are going to be, those words are "Kensington Place" because that is exactly what has been done there. It is okay to do it, to completely disrupt the hospital programme, but when it comes to providing the best possible living conditions for people in the densely populated part of town, oh, a completely different standard of argument applies there. I find that extremely disappointing. As for the other proposed areas for green space in that area, I have severe reservations about the Le Bas site being used for that kind of purpose. I say that as somebody who walks past that site all the time. It is not a particularly great site in terms of the sizes of the pavements, the fact it is right along the Ring Road, and that site does slope. I do not like the idea of children playing on a sloped area that slopes down into the Ring Road like that. I just do not like that idea. Perhaps there are iterations of designs that can be done to mitigate that, but that strikes me as nowhere near as good an option as having children play on the flat land of the gas works covering that whole site in a big, open park like that, which, I was going to say in the summer months, but frankly even the colder months as well, where that park gets used very well. With more homes being put in Ann Court, on the Ann Street Brewery site, continued development of course by Le Masurier on Bath Street. Those people are going to need more open, green space, and the gas works site is a fantastic place for it. The case for a new school is surely made. If we can provide modern, up-to-date facilities for children to learn in around there we will be, compared to what they have at

Springfield School at the moment ... I totally agree with what Deputy Ward said about the amazing work they do there in facilities that frankly are not good enough for them. But if we can provide extra school places in that new Springfield School, you will have more children who will be able to walk to school in the mornings and whose parents, if they are walking them to that area, will then be able to walk on to work. Rather than what sometimes happens for many families now, which is they live in town but they cannot get in the nearest schools because of the schools being full, so they drive their children out of town to schools outside of town and then drive back home to park and then walk to work in town. I am aware of one person who lives in the catchment area for Springfield School who could not get her daughter a place in that school. The nearest place she could get was d'Auvergne, so every morning she drives past 3 schools to get her daughter into the school that she is able to. What does she do after that? She drives straight back home, parks outside her home, and then walks to work. Adding to traffic, adding to pollution, and adding to stress as well and not being able to spend that decent quality time with the child walking them to and from school instead of being stressed out in the car instead. So providing those school places in that part of town is absolutely essential. We never, ever set this up to be a *fait accompli* by changing the bridging Island Plan rules for that site. We simply made it so homes could not go there anymore. It could only be a park or school. If it is to be a school, so be it. It will be a brilliant school and it will be situated in a fantastic place and young people who learn there I hope will have the best facilities on offer. But we should not at this point say no to looking at a site right next door, which before the election, and at the time of the bridging Island Plan debate, we had no idea was a prospect that could be bought by our publicly-owned company. To now say that we are aware of that site as a potential prospect, let us give it a second look. Let us see if it can provide enough space for a decent school, which will be situated right next to the park, and there are all sorts of public infrastructure improvements that can be made to connect those areas up, so children have got safe spaces to play in and access, right next to this wonderful, big, extended park. Then to hold back on some of the increased density in that area with the application that has been approved for the Play.com warehouse site, which really is cramming. It is not an application that Andium put in with all of their social-beneficial considerations that they normally make, it was essentially a greedy private sector application in there, which they somehow got permission to amend to cram even more in on the basis of more green space that we find out might not be going ahead at all. So we are about to potentially make a big mistake in ruling that out. So let us give the Government 100 days, they like their 100 days, it is a good round number, to let them get on with it and come back to the Assembly and show what the 2 sites offer by comparison and we can make an informed decision. But at this point they have not made the case against the Play.com site, so I would urge Members to support this amendment.

1.15.5 Deputy T. Binet:

I know Members are tired so they will be pleased to know that I have just chopped my speech in half and I will be as quick as I can. A number of weeks ago the Minister for Education published the outcome of the Town Primary School Review as part of her 100-day commitment. At the time, the Reform Party were informed of the reasons why we could not consider the former Play.com warehouse as a site for the new town primary school. Soon after, the Future Places Ministerial Group, of which I am a member incidentally, decided to review the possibility of a school on the Play.com site, purely to assure themselves that we too were comfortable that those reasons were correct.

[19:45]

It did not take a great deal of time for us to conclude that they were. Here we were reviewing a situation where the Department for Education had commissioned Jersey Property Holdings to carry out the Town Primary School Review, which focused on sites suitable for schools in the town area. Of course, not every site in the town could have been considered, but 17 sites were identified. They were then considered for their suitability to become sites for that purpose. At the end of the review process, Gas Place had been recognised as the most appropriate available site in this particular

catchment area and the Future Places Group could find no reason to disagree with the review's findings. For anyone who has studied those plans, it is fairly obvious to see why. The plan shows a new building standing comfortably within a relatively open space with one side forming part of a beautiful, large, slightly extended park, and green treeline corridors running either side of the 2 main elevations. Given that it is in the town centre, it is difficult to imagine how much better it could be. This, I am afraid, cannot be said of the old Play.com site, which forms the object of the proposed 100-day review. For anyone who knows the area, and I am sure that many Members know it better than me, they must surely admit that it is very compromised by comparison. It strikes me that it has none of the advantages of Gas Place. The overall area is smaller, the footprint is more awkwardly shaped, and the setting is nowhere near as pleasant. There has been much talk in recent weeks about putting children first. I hope that Members will agree with me that it is high time we put our money where our mouth is, stop the political mischief-making, and get on with providing much-needed first-class facilities for our children's education. On that basis, I urge Members to reject the amendment.

1.15.6 Deputy M. Tadier:

I was not going to get involved but I would like to ask, I know that the previous speaker has finished talking now, but maybe one of his Ministerial colleagues can explain what he means by the "political mischief-making". I found that quite offensive. I know if this was a debate about a school in my constituency I would find that quite offensive. I simply note that there are 5 party colleagues who represent the centre of St. Helier and there are 3 who were elected to represent the south part of St. Helier. They have a mandate for what they seek to do in that part of town and I know from experience that they have the utmost integrity when it comes to seeking the best interests, not just of those constituents, but for any who might be living, working, wanting to enjoy a park, and be attending a school in that area. Comments like that, which are throwaway, albeit I think are very unfortunate.

1.15.7 Deputy I. Gardiner:

I would like to echo Deputy Mézec's words. It will be a brilliant school in a fantastic location and currently it seeks to be delivered in the Gas Place. I would like to really urge Members not to delay any further. People who are in the previous Assembly knew how much I was fighting for the new facilities, education facilities, in St. Helier. When the letter from Reform Jersey arrived, raising Play.com, I called to Deputy Feltham and I said: "To be honest, it is similar location, let us check." I did not reject it immediately because I think, okay, Gas Place, Play.com, let us see. I was open to the idea. It is not that we did not engage and we did not work as it was presented. We had a telephone call and I went back and I started to ask questions: "Is the site correct that, because its shape form, compared to the open space that you can build?" It is more complicated but we can deal with the design. The shape of this Play.com site is not correct, but we will deal with the design, we will get on. Can it be built high? Yes. Is site in our ownership? At that time, the site was not in our ownership and still it is partially in our ownership. It is not in Andium ownership fully, 100 per cent, part is private development. This is where I started to say, okay, we do have public estate, we do have our A.L.O.'s (arm's-length organisation) estate, but this particular site, it is not owned by us and not owned by any of our companies. So we are going now to interfere with the private market. It is not 100 days. Even if I say: "Yes, maybe", it means that any development that the Government would do will start to basically speak to all private markets. And they say: "Uh-uh, you got planning permission, but at any stage government can decide to step in." What I really do not want is to delay a school to St. Helier children that deserve better any longer. Sites in urban centres are limited. Gas Place provides the most substantial available area in government ownership in the central eastern St. Helier. There was a new school requirement. There is a pressure on the spaces in town and we have exciting designs, we looked into top design schools in urban areas in London and others. We will also, as in Education, as C.Y.P.E.S. (Children, Young People, Education and Skills) and the Minister for Children and Education we are developing a vision for the community school. What does it mean that it is school as a community hub? It is in the centre of the community. This school, if you can

imagine, just imagine you have a school in the Millennium Park but you would have a running path and cycling and walking path around whole park and the school itself. Because the design is allowing it. We will make sure that it does not feel like this is the school and this is the park, it will be incorporated. The connection to Le Bas Centre will allow us to have a walking and cycling route from south of town through central St. Helier into St. Saviour. As Deputy Mézec mentioned correctly, there are people from central St. Helier now driving to d'Auvergne. If we have this school, people will stop driving because we have enough people there for 2-form entry. Also I would like to invite Deputies to visit La Sente Primary. I am not sure how many of you visited La Sente Primary. But these children also deserve better and it is children with special education needs that will be incorporated in this school. There is a significant value to be gained for the neighbouring community and the current thinking could see a single basement level providing parking, which would therefore not compromise space around school and could be used for outside play and learning. I have a question about contamination, and this is where there will be the parking. There is a possibility, if anything, there it is not a problem and it will not be affecting school by any means. I have checked this. The outside space around school could provide learning for early years and younger ages and would also provide multi-purpose space to be used all year around. Upper floors will have areas for learning and could include further sports areas, for example netball court. I would like to reassure the Assembly that we will use active partnership to improve both quality and affordability. We all know that there are competing priorities and this is why I was pushed back previously. But we found the solution. We have 12,000 square metres of the green space, we have needed houses that already in private ownership, partially, and we have a park and we have a school. I have funds and let us get on and build. We have space, the decision finally was made, we committed to create more green space and let us deliver this.

1.15.8 The Connétable of St. Saviour:

Rouge Bouillon is an excellent school, very dedicated staff, it has wonderful premises, but it is well and truly past its sell-by date. Not really healthy also to have a primary school next to the busiest roundabout on the Island. I have been involved with safer routes to school ever since I have been in the States and that is about 17 years now. St. Saviour schools, I mention J.C.G., I am very keen on safer routes to school and the logic behind that one was to get children safely to school. If anyone knows St. Saviour, the Les Varines area is dangerous, you can hardly get 2 cars passing on that road, so walking children up there is completely out of the question. Unfortunately, with the schools on the Island now, I would love to see more and more children walking to school and cycling to school and we have recently constructed 2 roads within St. Saviour, Bagatelle Lane and Bel Air Lane, with safer routes to schools, but we need to do more obviously and I look forward to working with the Minister for Infrastructure on that. But there is a lot of work to do. But regarding the town area, there is only one place, in my opinion, it can go and that is on the Gas Place site. Because St. Saviour's Road, the part that is in St. Helier next to the town park, is a very, very dangerous road; it is very fast and I would not like to see children crossing over there unless it is absolutely necessary. So many people live in town, they can be walked through town, through the new park to the new school, which will be at the end of the park, and I think that would be absolutely superb. As I say, the safer routes to school, so many parents now drive their children to school because they are frightened of their child being run over by people driving their children to school. We have to break that cycle, no pun intended. But there is one proviso, I was the Assistant Minister, many, many years ago, at what was then T.T.S. when the town park was being constructed. So I do know there can be pollution below the surface, so obviously core samples will have to be taken, which is all par for the course, to make sure that the soil there is absolutely spot on. But, other than that, I would fully support the building of the new school in the Gas Place site.

The Bailiff:

We are almost at the time when the Assembly agreed to adjourn. On the assumption there is no further proposition, I only have one person listed to speak now, but of course there will be a response also from Deputy Coles, and it may be that others wish to contribute to the debate. So on the assumption that we are exactly where we are when we resolved to stop at 8.00 p.m., is the adjournment proposed. The adjournment is proposed. The Assembly reconvenes at 9.00 a.m. tomorrow morning but before we go, because we have agreed to reconvene at 9.00 a.m., may I mention that although I will be available at the start of the sitting tomorrow, and should we go into the evening, I will preside in the evening, there will be other parts of the day where I am simply not able to be here. If we reach the end, as it is possible that the Assembly will, it follows that it might be the case I will not be present for Christmas greetings. If that is the case I would like Members to know that is not by choice, it is by force majeure. I would wish to be here for Christmas greetings and I am sure you will read into whatever is said as being said on my behalf. Hopefully I will be there, but I might not be. The Assembly is adjourned.

ADJOURNMENT

[19:59]