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5.10 Connétable C.H. Taylor of St. John of the Minister for Treasury and Resources regarding the instructions given to Andium Homes following the approval of P.78/2015 ‘La Collette Low Rise: protection of open space’:

Following the adoption by the States of P.78/2015 - La Collette Low Rise: protection of open space - can the Minister confirm how and when he instructed Andium Homes of the decision of this Assembly and whether he did so in writing?

[10:45]

Senator A.J.H. Maclean (The Minister for Treasury and Resources):

P.78/2015 was, and I quote: “To request the Minister for Planning and Environment to ensure that any redevelopment of La Collette Low Rise upholds and maintains the protected open space status.” This was therefore a planning issue to be considered by the Minister for the Environment and managed in the appropriate way through that planning process. Andium were, of course, aware of the States request to the Minister for the Environment. However this was not a matter requiring the shareholder to take any direct action.

5.10.1 The Connétable of St. John:

During the P.46/2015 debate the Chief Minister stated: “This Assembly is the ultimate decision maker.” If that is the case, who has overruled this Assembly? Was it you, the Minister, failing to instruct Andium accordingly or was it the Board of Directors of Andium Homes?

Senator A.J.H. Maclean:

It was neither. As I have stated: the request from this Assembly was to the Minister for the Environment. That was very clear, to consider the matters relating to open space of that particular development. There was not a role for the shareholder, for the board of Andium in relation to this matter. They were operating within the objectives of the company and within the law.

5.10.2 Deputy J.A.N. Le Fondré:

Given that the land identified in the proposition is very clearly owned by a company for which the Minister is responsible, why did he not even consider communicating the will of the Assembly to that company? Is it not just yet another example of weak thinking and silo mentality?

Senator A.J.H. Maclean:

Absolutely not. In fact, Andium I know were listening to the debate when it was undertaken, not surprisingly. They have the responsibility for the land which is public land. They have the responsibility for ensuring they improve the housing stock on the Island for the benefit of Islanders. They have the responsibility for building much needed housing that this Island and Islanders need. Of course they were interested. They had spent several hundred thousand pounds progressing this particular development, which much needs to be improved, and they were concerned that that particular project was going to be delayed or indeed threatened by a decision. So of course they were aware.

5.10.3 Deputy J.A.N. Le Fondré:

So it was not the Minister’s problem, a decision by this Assembly?

Senator A.J.H. Maclean:

As the Deputy says, the Minister's problem is ensuring that the company operates within the terms of the M.O.U. (Memorandum of Understanding) that is in place and that it carries out its objectives that are set out. Those objectives, as I have just stated, are to ensure that there is proper housing stock of a proper quality. We have more than 800 on a waiting list at the moment for housing. It is essential that Andium are allowed to get on with their work. As long as they are doing it in an appropriate way and they are following the law, then there is not an involvement in this matter for the Minister.

Deputy R. Labey:

Regardless of a decision by this House.

Senator A.J.H. Maclean:

This Assembly made a decision which was to direct the Minister for the Environment. This particular Minister for Treasury and Resources has responsibility with relation to the company and I can say, as I said in my opening remarks, that there was no direct action such as writing letters to the company that was appropriate for the Minister for Treasury and Resources to undertake. What the Minister for Treasury and Resources has done, as the Deputy will know, both Deputies Labey, Martin and Wickenden recently met with me and the Assistant Minister to consider matters in relation to this particular development and we will of course be as helpful as we can. My Assistant Minister is already, and has been prior to that meeting, in dialogue with Andium about its objectives and ways in which the concerns of the relevant Deputies can be taken into consideration. So indeed we are being helpful, I hope.

5.10.4 Deputy M. Tadier:

Could the Minister talk about collective responsibility in this context if the Assembly asks one Minister, in that case the Minister for the Environment, to take some action? Surely it should be understood that it is the will of the Assembly and that Ministers communicate, and that where it falls under the Treasury and Resources remit it should be he to carry forth the will of the Assembly through the Council of Ministers.

Senator A.J.H. Maclean:

This was relating to a live planning application. A planning application that was submitted in May and the Planning Department was going through due process. The Assembly made a decision which was to request the Minister for Planning and Environment, as it was at that time, to consider the issue in relation to open space. I have no doubt that the Minister did that, and indeed officers of the Planning and Environment Department, as it was then, also took consideration of that matter, and indeed the panel that ultimately made the decision to approve the application, will have also taken into consideration the views that were raised; and that is the right and appropriate way.

5.10.5 Deputy M. Tadier:

Does the Minister not accept that were it still the old Housing Department this kind of eventuality would be completely unthinkable and indeed objectionable for so many reasons, and that is simply the fact that now Andium is a separate incorporation, it is still ultimately owned by the States and is there to represent the public interest? Does the Minister not see that issue as being very worrying?

Senator A.J.H. Maclean:

The Deputy is absolutely right. The company is there to represent the public interest in terms of providing suitable housing, right and good quality housing, and I have to say the quality of the housing at La Collette is unacceptable at the moment. It is not at the standard that we would like to

see. That particular development needs to be improved. In fact, the plans that were submitted were going to increase the number of units by 88: 88 much needed new units of accommodation for Islanders. That is following the objectives laid down as far as Andium are concerned, and provided, as I have said, they follow through on the terms within both the M.O.U. and also their Strategic Business Plan in relation to the matters that I have already mentioned, then the responsibility for the Minister for Treasury and Resources is fully taken care of. That is all I can say on the matter.

5.10.6 Deputy J.A. Martin:

I think this goes back to where the Constable of St. John started from. This House set up Andium as a wholly States-owned company with the protection, we thought, that we had the Minister for Treasury and Resources looking out for the people, yes, but the decision that were made in this House. What does this Minister for Treasury and Resources think that after this House decided to keep this as an open green space, Andium ignored it completely and went to Planning with the same plan?

Senator A.J.H. Maclean:

The important fact is for both the company and myself, with oversight as guarantor for the company, to have consideration for the whole Island, not just one particular development. There is a strict division between responsibilities. This was a matter that was put to the Minister for Planning and Environment, as I have pointed out - the Minister for the Environment - to consider as part of the process which led eventually to the application being approved. It went through due process. No law was broken and indeed the views expressed by this Assembly with the decision were matters that both the Minister and the panel and officers would have taken very clearly and closely into consideration as they went through that process. I think that is the appropriate course.

5.10.7 The Connétable of St. John:

In responding to my last question the Minister stated that Andium Homes have responsibility and he went through responsibility for this, this, this and he listed 4 things. The primary responsibility is to the public of this Island who own the land. You have been elected to represent the owners which is this Assembly.

The Deputy Bailiff:

Minister, speak through the Chair, please.

The Connétable of St. John:

Through the Chair. This Assembly made a decision. This decision has been defied. Either you as shareholder representative ...

The Deputy Bailiff:

Either the Minister.

The Connétable of St. John:

Either the Minister, sorry, it is my writing. **[Laughter]** I will put my glasses on. Either the Minister has failed this Assembly or the Board of Directors of Andium Homes have ignored the wishes of this Assembly. Which is it?

Senator A.J.H. Maclean:

I hope I have already covered that point. It is neither of the aforementioned, as the Constable suggests, have failed either this Assembly or the company or Islanders, more importantly. They are

carrying out the objectives clearly laid out for the company to first of all improve the housing stock and provide more and new much needed housing for Islanders. As I have said, we have over 800 Islanders who are needing housing in this Island and that is the purposes of Andium Homes and they are acting within the law. The proposition that came to this Assembly was a matter that was directed to the Minister for the Environment. He and his officers have quite rightly given it due consideration as Members would expect. That is all I can say.