

STATES OF JERSEY



VOTE OF CENSURE: COUNCIL OF MINISTERS

Lodged au Greffe on 23rd July 2021
by Senator S.Y. Mézec

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

to censure the Council of Ministers for their failure to respect and implement the decision made by the States Assembly on 10th February 2021 in adopting ‘Residential Properties in the Waterfront Development’ (P.165/2020), as amended.

SENATOR S.Y. MÉZEC

Note: In accordance with the requirements of Standing Order 21B, the following Members are additional signatories to this proposition –

1. Deputy G.P. Southern of St. Helier
2. Deputy R.J. Ward of St. Helier
3. Deputy C.S. Alves of St. Helier

REPORT

Introduction

The States Assembly is the sovereign decision-making body of Jersey. Its decisions *must* be respected and implemented by the government.

Where circumstances change and a government is not able to implement a States decision in the exact terms prescribed, it has a moral and democratic duty to report back to the Assembly on why they have not been able to implement this decision, and what they will do to attempt to deliver on the intentions of the proposition in another way.

Failure to Implement P.165/2020 as amended

On 10th February 2021, the States Assembly almost unanimously adopted a proposition¹ brought forward by me which required the government to publish a report by the end of April outlining what guidance it had given to the States of Jersey Development Company ('SoJDC') to maximise the proportion of affordable homes built in their ambitious Waterfront redevelopment proposals.

The end of April deadline was proposed by the Council of Ministers themselves in an amendment to P.165, which the Assembly accepted.

Once this deadline had passed without comment from the government, I lodged Written Question 185/2021², to ask why there had been a delay. In the Treasury Minister's answer, she stated there were "a number of developments" which needed to be considered further to ensure the guidance was appropriate and in accordance with a "holistic view" being taken on housing. She then set a new deadline of the end of May 2021.

Once this second deadline had passed, I wrote to the Chief Minister and Treasury Minister on 3rd June 2021 to ask for an explanation on why this delay was taking place. I did not receive even an acknowledgement of this email.

On 7th June, R.100/2021³ was published. This, however, does not constitute the Report which was to be published according to part B of P.165, as it does not contain the guidance specified. R.100 does not apologise for the failure to meet the deadline they proposed and was accepted by the States Assembly, and it does not provide an estimate for a new deadline which States Members could hold them to account on.

Now, over halfway through July, there is still no report nor any explanation as to when a report can be expected.

The purpose of part B of P.165 was to ensure transparency on the plans of the SoJDC, and enable States Members to scrutinise those plans in advance of a planning application being made. The SoJDC is intending to lodge a planning application by the end of September this year. This means that due to the delay in publishing the guidance on affordable housing, States Members will no longer have an adequate opportunity to scrutinise this and be able to propose changes.

¹<https://statesassembly.gov.je/Pages/Propositions.aspx?ref=P.165/2020>

²[https://statesassembly.gov.je/assemblyquestions/2021/\(185\)%20approved%20and%20answered%20to%20the%20tr%20re%20affordable%20housing%20on%20the%20waterfront%20site.pdf](https://statesassembly.gov.je/assemblyquestions/2021/(185)%20approved%20and%20answered%20to%20the%20tr%20re%20affordable%20housing%20on%20the%20waterfront%20site.pdf)

³<https://statesassembly.gov.je/assemblyreports/2021/r.100-2021.pdf>

Censure

I ask members to censure the Council of Ministers for:

1. Failing to respect the sovereignty of the States Assembly;
2. Failing to abide by the terms of P.165/2020 as amended; and
3. Failing to acknowledge communications from P.165's proposer.

Whilst I accept that several members of the Council of Ministers will not have had any operational responsibility for the implementation of P.165, the proposition placed a duty on the Council collectively to deliver on it. I apologise to those Ministers who will therefore be caught up in this motion of censure, but trust that it does not reflect on those whose portfolios are not directly connected to this subject.

Financial and manpower implications

There are no financial or manpower implications arising from this proposition.

APPENDIX

P.165/2020, as amended by the Council of Ministers –

THE STATES are asked to decide whether they are of opinion –

that, in the proposed development of the Waterfront (defined as Key Opportunities Sites 1, 2 & 3 in the Southwest St Helier Development Framework) by the States of Jersey Development Company (SoJDC) –

- (a) no residential properties should be sold by the SoJDC to foreign buy-to-let investors;
- (b) to request the Council of Ministers to present a report to the States Assembly by 30th April 2021 which provides guidance to be used by SoJDC with the aim of maximising the proportion of affordable units allocated through the Housing Gateway, together with a range of other residential accommodation of varying prices, types and tenure, to help meet the housing aspirations of other Islanders within the Waterfront development, while maintaining the overall viability of the scheme including all public realm improvements and other community and leisure uses; and
- (c) to request the Minister for Treasury and Resources, as shareholder representative, to instruct the SoJDC accordingly.