

# STATES OF JERSEY

## OFFICIAL REPORT

TUESDAY, 1st APRIL 2008

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

**QUESTIONS**

**1. Written Questions**

**1.1 QUESTION FROM DEPUTY P.V.F. LE CLAIRE OF ST. HELIER TO THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE COMPOSTING ISSUES:**

**Question**

In view of the fact that on 11th March 2008, the Minister stated in the Assembly that the report in relation to compost issues had cost £100,000, would the Minister provide the detail of this expenditure, particularly if any private consultants were involved?

Given that the Minister also stated that after the report was completed that it revealed nothing the Department did not already know, would he advise what the value of the report was and why it cost so much when nothing new was presented?

Would the Minister consider that this work could have been better undertaken by the States Auditors?

**Answer**

In November 2006, following the publishing of the report on composting prepared by the Working Party into Composting, the Minister for Transport and Technical Services agreed with Deputy Paul Le Claire and the Chairman of the Environment Scrutiny Panel, acting on behalf of that panel, to review whether there were any private sites that offered better value to the States than the 11 sites in States ownership that were already under consideration.

To that end an expression of interest was issued in December 2006 and 18 private expressions were received in January 2007. In order to ensure a fair evaluation process for private and publicly owned sites, my officers and the technical consultant conducted a comprehensive evaluation of all of these sites, which was completed in September 2007. In June 2007, the Minister for Transport and Technical Services met with Deputy Le Claire and Deputy Rob Duhamel to update them on the evaluation process which received a favourable response.

On 11th December 2007 the Minister took a Ministerial Decision which confirmed that the La Collette industrial area was the confirmed preferred location for the replacement enclosed composting facility and commercial green waste reception site subject to a full environmental and health impact assessment being undertaken.

This location had been presented to the Council of Ministers as the preferred location following the initial assessment of States-owned sites in February 2006, but due to the opposition received from the Environment Scrutiny Panel and Deputy Le Claire, the Minister had agreed to defer progressing the site development until the Working Party on Composting reported its findings.

Considerable work had been undertaken developing an environmental impact assessment for the proposed site at La Collette to enable the replacement enclosed facility to be progressed as rapidly as possible in February 2006 if Council of Ministers approval was forthcoming. The cost of a technical adviser consultant in 2005 and 2006 was £180,639. It is believed that most of these costs are not abortive because they relate to the same location and can still be used now the location for the enclosed compost facility has been reconfirmed as being La Collette.

The cost of the additional technical consultant work to enable the detailed evaluation of private sites required by the Working Party on Composting since the site specific work at La Collette was put on hold is £72,684. This does not include the officer time involved for which a precise estimate cannot be provided, but is considerable because it required the involvement of officers from the environmental, health and planning regulatory functions, and would take the total cost of the exercise towards the approximate figure stated in the States Chamber by the Minister.

The Minister advised the Environment Scrutiny Panel that it was unlikely that the additional site selection and evaluation work required on reviewing the private sites would result in a better solution for the island and this has indeed proved to be the case.

The sensitivity of this decision required that the opinion of the representatives of those affected by the occasional odour from the current open composting operation to be respected.

The Minister reluctantly agreed to complete the exercise as, without it, the benefits of the preferred location could not be demonstrated to the satisfaction of the public and there would be a perceived public concern (promoted by the Working Party for Composting and Environment Scrutiny Panel) that alternatives had not been tested fully.

However, in the Minister's view the review did not represent good value for the Island as it was clear at the outset that the proposals of the Working Party on Composting and Environment Scrutiny Panel were almost certain to be unviable.

The States Auditors could not have undertaken this work as it requires expertise in waste management and environmental site appraisal.

## **1.2 QUESTION FROM DEPUTY G.P. SOUTHERN OF ST. HELIER TO THE MINISTER FOR SOCIAL SECURITY REGARDING HOUSEHOLD MEDICAL ACCOUNTS:**

### **Question**

Following his announcement that around a further 1,000 households, previously covered by the HIE scheme, were to receive additional transitional support to create a Household Medical Account (HMA) under Income Support (IS), will the Minister inform members of the following in respect of these households:

- a) how many qualified for HIE and under which mechanisms other than low income?

### **Answer:**

- a. In November 2007, there were a total of 2966 households (around 4,000 individuals) who qualified for HIE prior to the implementation of Income Support. There were various eligibility criteria for HIE but all applicants had to fulfil a form of means assessment. This means assessment was completely different to the assessment now used for Income Support. The system of disregards used for HIE meant that some people could qualify for this benefit with much higher actual income than others who did not qualify, depending on the source of their income.

- b) how many now have no entitlement to receive IS ?

### **Answer:**

- b. As at 25 March 2008, there are only 158 *individuals* who were previously in receipt of HIE who are not receiving Income Support or a Protected Payment. These individuals have chosen not to make an application for Income Support however the department is still receiving and processing a small number of late applications.
- c) how many have been assessed to receive IS at a rate below the level of their States rental, and therefore have insufficient funds to pay into an HMA?

**Answer:**

- c. This situation does not arise as priority is given to payment into the HMA, then remaining monies are paid towards rent.
- d) whether his department has informed *all* GPs that all previous recipients of HIE will now have their GP consultations funded from an HMA, and when did this occur?

**Answer:**

- d. On numerous occasions over the months leading up to and since the implementation of Income Support, the department has communicated with GPs, their staff and the GP representative body, through electronic, verbal and written means to keep them informed of the position of former HIE recipients and the setting up of Household Medical Accounts (HMA).

All former HIE recipients, who have applied for Income Support, have been offered the facility of an HMA to enable direct payments to their GP. Some claimants, or their agents, have requested receipt of all benefit (whether Income Support and/or a Protected Payment) on the understanding that they will pay any GP fees directly.

All GP surgeries are informed on a daily basis through means of an electronic file as to which of their patients has an HMA facility.

Will he also confirm his statement that, despite previous agreements with representatives of GPs that former HIE recipients would now be expected to pay £5 per visit directly to the GP, with the rest of the consultation fee coming from the patients' HMA, he believes that GPs were not going to charge the £5 fee?

Does his statement include most GPs, all GPs or the agreement of GP representative bodies, and is it permanent, or temporary, and if the latter, how long will the agreement be in place?

**Answer:**

The £5 charge at the surgery was proposed on the recommendation of GP representatives, after initial discussions. However, as the implementation of Income Support approached, and officers met with wider groups of GPs, it became evident that many had reached the conclusion that they would not make a nominal charge as initially proposed.

Most if not all surgeries, are *not* charging a £5 consultation fee directly and the department has agreed with the GP representative body that all aspects of charges will be monitored.

Will the Minister inform Members what sum per visit was to be paid through the Social Security department by the individual's HMA?



**Answer:**

It should be remembered that GPs are independent businesses and will set charges according to the different services provided; therefore the amount that will be paid from an HMA will depend on the service and level of charge made by the GP.

If the absence of the direct £5 payment is to be permanent, will he further state what new arrangements will be put in place for payments to GPs?

**Answer:**

As with all elements of Income Support, arrangements for GP visits will be monitored and where appropriate proposals for change brought forward.

Will the Minister make clear to members, to GPs and to recipients of HMAs what arrangements are in place to cater for funding:

- a) home visits from the GP, for those who cannot get to the surgery, and

**Answer:**

- a. For clarification, the HMA is a payment mechanism available to Income Support recipients, including those receiving Protected Payments, and not a benefit. The amount of benefit given depends upon the clinical need of the individual family members, which may include home visits.

The actual funding of GP visits is through monies included in the living allowances and the impairment component, specifically the clinical cost element. Therefore, all households on Income Support have received funding towards the cost of GP visits but most will not have an HMA as this facility has, in the initial stages of implementation, been targeted as priority to former HIE recipients.

The clinical cost element (CCE) provides additional funding for individuals who have ongoing, increased medical need. The rate of the CCE was based on the average cost of a doctor's visit and resulting prescription charges. As prescription charges have been removed, individuals have more money available to pay for GPs and other medical costs. Further funding may be available through a special payment, for those who require higher levels of medical care in the form of home visits, which, if they have one, can be paid directly into the family's HMA.

- b) payments for the services of the Family Nursing and Home Care (Jersey) Inc.?

**Answer:**

- b. Individuals previously receiving support with FNHC costs through the Parish Welfare system continue to receive the same level of support through Income Support. New FNHC clients can apply for the personal care element of the impairment component to assist with the cost of personal care services provided by for Family Nursing and Home Care Services. The personal care element is set at 3 separate levels providing more flexibility than previous disability benefits.

What will happen to the support delivered to these 1,000 households in October 2008?

**Answer**

The support provided to these 1,000 households is over and above any Protected Payments that they are already receiving. Whilst, along with other Protected Payments this support will be phased out over a number of years, it still represents an additional direct investment towards the potential cost of healthcare for these families.

### 1.3 QUESTION FROM DEPUTY G.P. SOUTHERN OF ST. HELIER TO THE MINISTER FOR SOCIAL SECURITY REGARDING THE LINKING OF THE 2009 STATES EMPLOYEES PAY AWARDS TO THE NEW RPI(Y) INFLATION MEASURE:

#### Question

Given the Minister for Treasury and Resources' stated intention to link the 2009 States' employees' pay awards to his new RPI(Y) inflation measure, which does not include taxation changes and will therefore be lower than the actual rise in the cost of living given by RPI, and following the development of RPI (pensioner) and RPI (low income) measures, what measures does the Minister propose, in conjunction with the Minister for Treasury and Resources if necessary, for the indexation of a) pensions and b) other benefits in 2009, and why?

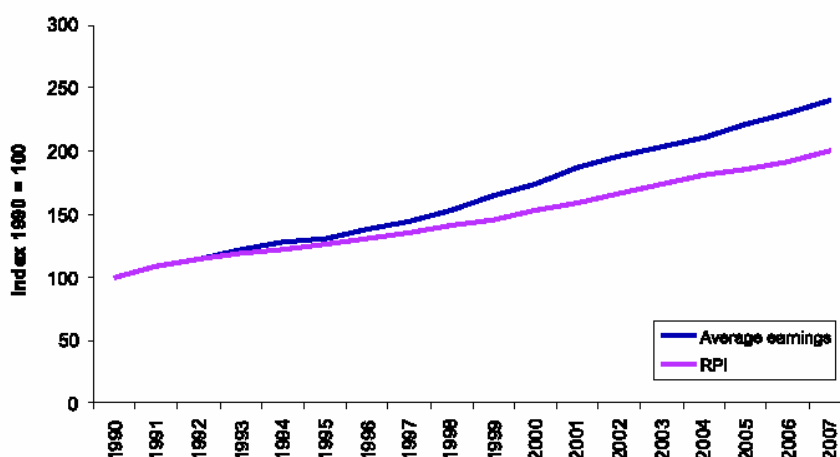
#### Answer

Members will be aware of the written question answered on 26th February 2008, which contains all the information requested in this further question.

For the sake of clarity, that answer is repeated:

1. "There are no plans to alter the statutory provisions set out at Article 13 of the Social Security (Jersey) Law 1974 which provides for the automatic uprating of all contributory benefits (including pensions) by the Jersey Earnings Index annually. Since 1990, the Average Earnings Index has increased at an average annual rate about 1 percentage point greater than that of the RPI. The graph below plots the two indices since 1990.

Figure 3.4: Index of Average Earnings and the RPI



Source, Jersey Economic Digest 2007

Members will be aware that the UK government, as part of their pension reform programme, have introduced the Pensions Act 2007 which includes a commitment to link the annual increases in state pension with earnings rather than prices, as has been the case in Jersey for many years. The UK government hope to achieve this by 2012.

From time to time, the increase in RPI is above that of average earnings – this has happened 4 times in the last 17 years. These occasional anomalies do not detract from the general principle that contributory benefits should be linked to wages, and that this automatic link has been of great benefit to pensioners since it was introduced.

2. Members will also be aware that under the Income Support (Jersey) Law 2007 an annual review of rates has to be carried out. In reviewing these rates statutory provision provides that regard shall be given to changes in the cost of living and in the general standards of living of the community together with other factors that the Minister considers relevant. The component rates in Income Support are set under Regulations and the Minister will provide full details to the Assembly of the basis for any amendments to rates when the Minister brings forward a proposition on the annual review.”

#### **1.4 QUESTION BY DEPUTY G.P. SOUTHERN OF ST. HELIER TO THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE EFFECTIVE RATES OF TAX CHARGED TO PROFITS FOR THE FIVE SUB SECTORS OF THE FINANCIAL SERVICES SECTOR:**

##### **Question**

In reply to a question on 11th September 2007 the Minister stated that he had instructed the Comptroller of Income Tax to undertake the necessary research to reveal to Members the amounts and effective rates of tax charged to profits for the five sub-sectors of the financial services sector, along with the comparative figures for all 11 sectors of the economy for the latest year for which he has data, and estimate what impact the advent of Zero 10 will have on these figures. Is he now able to give a response to the Assembly?

##### **Answer**

The Deputy will recall that I could not answer this question in September in the time allowed as it was so complex an issue to address. I can now tell the Deputy that the Comptroller of Income Tax has met with the States Statistics Unit three times for the purposes of drawing up a true and correct answer to this question, and they have come to the conclusion that the time and cost of doing so would be prohibitive. It is estimated that the work would take at least two weeks of officer time. However, the Comptroller of Income Tax and the head of the States Statistics Unit would be very happy to meet with the Deputy to see if a reasonable compromise can be found to satisfy him.

#### **1.5 QUESTION BY DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT TO THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING HOW OFTEN PILLOWS ARE RENEWED WITHIN HOSPITALS AND WHETHER THEY ARE CHECKED FOR THE ASPERGILLUS FUMIGATUS FUNGUS:**

##### **Question**

Would the Minister advise how frequently pillows are renewed within the hospitals under his administration, whether they are checked for the aspergillus fumigatus fungus and, if not, why not?

##### **Answer**

Aspergillus species are fungal organisms which are widely distributed within the natural environment. The fungus is frequently found in decaying materials, plants, airborne dusts and any other medium that involves disturbing potentially mouldy material. It is only very rarely that the health care environment is implicated in disease transmission from these fungi – except for those patients who are immuno-suppressed (for example, following organ transplant). Special measures are taken to ensure that patients who are immuno suppressed are protected from such bacteria and from other threats to their health and wellbeing.

As to the specific matter of hospital pillows, these are encased in a protective plastic cover and this prevents any emergent fungi causing a threat to patient care and the plastic cover, of course, allows for decontamination as the inpatient leaves the ward, to be replaced by another. (Needless to say, damaged plastic covers are replaced as necessary and contaminated pillows can be washed to the requisite temperature in the Hospital Laundry, which has special technologies and working practices which enables this threat – and other infection threats – to be controlled and managed).

Monitoring – or checking – is thus not necessary.

**1.6 QUESTION BY DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT TO THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING WHETHER THE JERSEY HERITAGE TRUST HAS A POLICY THAT FAVOURS THE EMPLOYMENT OF LOCAL PERSON:**

**Question**

Would the Minister advise whether the Jersey Heritage Trust has a policy that favours the employment of local persons and if not, why not?

**Answer**

The Jersey Heritage Trust employs a total of 117 staff of whom 114 are ‘local’ within the meaning of the Regulation of Undertakings and Development Law. The balance of ‘local’ personnel to those with fewer than five years residency reflects the agreement which the Trust has with the Population Office, and its commitment to the local workforce. It should also be noted, in relation to succession planning, that the Trust has a good record of training local staff for senior posts within the organisation.

**1.7 QUESTION BY DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT TO THE MINISTER FOR HOME AFFAIRS REGARDING WHETHER THE EMERGENCY SERVICES CURRENTLY ENCOUNTER ACCESS DIFFICULTIES WITHIN THE ST HELIER RING ROAD:**

**Question**

Would the Minister advise whether the emergency services currently encounter access difficulties within the St Helier ring road as a consequence of road or pavement alterations/street furniture?

**Answer**

The States of Jersey Police are notified beforehand of any alterations to roads or pavements, and of any pending road works which may impact on their emergency services; they are given the opportunity to highlight any likely problems in advance.

As of today's date, they have recorded no adverse circumstances in relation to incident response.

The States of Jersey Fire and Rescue Service are also notified and consulted on any road works, pavement alterations, future traffic calming measures etc and as a result any queries or problems are usually addressed at an early stage.

The main concerns regarding the "traffic calming" measures that are installed throughout the island stem from the road users themselves, parking inappropriately and negligently near bollards or other fixed measures; this can cause issues for large appliances trying to manoeuvre.

Also there are issues in streets such as Colomberie where the road has been narrowed and bollards placed on pavements, negating the possibility for drivers to pull out of the way of approaching emergency vehicles and making them inclined to speed up to make way.

Some difficulties have recently been highlighted in gaining access in and around housing estates. Again this is caused by the residents, visitors and others parking inappropriately, rather than by the "traffic calming".

The Minister for Home Affairs will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding whether the emergency services encounter access difficulty within the St. Helier ring road.

#### **1.8 QUESTION BY G.C.L. BAUDAINS OF ST. CLEMENT TO THE MINISTER FOR ECONOMIC DEVELOPMENT BY DEPUTY REGARDING WHETHER JERSEY HARBOURS HAVE PLANS TO RELOCATE THE FUEL FARM:**

##### **Question**

Would the Minister advise whether Jersey Harbours have any plans to relocate the fuel farm and, if so, in what timescale?

##### **Answer**

The Economic Development Department, Jersey Harbours and the Waterfront Enterprise Board (WEB) are, as part of a strategic planning process, undertaking a master planning exercise for the East of Albert area that includes the site of the current fuel farm and La Collette. A key component of the process is the possibility of relocating the existing commercial port to La Collette to allow commercial and residential development in the current operational port area to satisfy future demand for quality residential and commercial space in St Helier. As part of the process to assess the viability and implications of port relocation, the future location of the fuel farm is being considered. The timescale for relocation, which would be subject to health and safety, environmental and commercial considerations has yet to be determined.

#### **1.9 QUESTION BY DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR TO THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING ANNUAL PAYMENTS TO CONNEX SINCE THE START OF THE CURRENT CONTRACT:**

##### **Question**

Would the Minister identify the annual payments made to Connex since the start of the current contract?

How much has Connex received in fuel rebate during each year of the current contract?

Has the Shift Allowance Claim of £186,000 been repaid to the States and if not, why not ?

**Answer**

1. The annual payments made to Connex since the start of the contract in September 2002 are as follows:

	<b>Original Contract</b>	<b>School Services</b>	<b>Liberation Station</b>	<b>Total</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
2002	1,121,181	-	-	<b>1,121,181</b>
2003	4,408,685	-	-	<b>4,408,685</b>
2004	4,653,762	89,200	-	<b>4,742,962</b>
2005	4,836,512	96,749	-	<b>4,933,261</b>
2006	5,136,126	97,608	-	<b>5,233,734</b>
2007	5,357,702	1,341,711	37,838	<b>6,737,251</b>

2. Excise duty used by Connex on licensed bus services has been refunded as follows since the start of the current contract:

	<b>£</b>
2002	30,525.04
2003	161,079.43
2004	186,627.58
2005	187,346.53
2006	196,936.86
2007	244,276.44
<b>Total</b>	<b>£1,006,791.88</b>

3. Negotiations with Connex regarding the Shift Allowance payment have now been concluded and the outcome has been forwarded, in confidence, to the Environment Scrutiny Panel, the Public Accounts Committee, the Comptroller and Auditor General and the law officers for their comments. When I have considered all the responses received, I will make a statement to the House.

**1.10 QUESTION BY DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR TO THE CHAIRMAN OF PRIVILEGES AD PROCEDURES COMMITTEE REGARDING THE PROGRESS OF THE FREEDOM OF INFORMATION LAW:**

**Question**

When will the Committee be deciding whether or not it is proceeding with a Freedom of Information Law?

**Answer**

On 11th March 2008 in answer to an oral question from Deputy Le Hérissier, I stated “PPC felt it would need to provide the States with compelling evidence that the Code [of Practice on Public Access to Official Information] is not working or could not be improved at lower cost. The Committee does not dispute that the F.O.I. law is desirable. It is currently trying to establish whether it is essential and whether any of the cost identified by the departments are in fact more properly attributable to the implementation of either the Public Records (Jersey) Law 2002 or are existing costs to the current Code of Practice on Public Access to Official Information.”

Administering the Code of Practice on Public Access to Official Information is the responsibility of individual departments and it will take some time for departments to prepare responses to the quite detailed questions asked by PPC about the practical administration of the Code. This information will be collated by the Chief Minister's Department and provided to the Privileges and Procedures Committee by 12th May 2008.

Thereafter the Committee will consider the responses and determine its recommendation to the States.

**1.11 QUESTION BY DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR TO THE CHIEF MINISTER REGARDING POLITICAL ACCOUNTABILITY OF MINISTERS:**

**Question**

Is the Chief Minister satisfied that the concept of the political accountability of Ministers is working effectively within the States?

**Answer**

Yes, I am satisfied that political accountability of Ministers is working effectively.

All Ministerial Decisions are recorded and are available to States Members on the States website. The published Decision Summary also outlines the reason(s) behind the Ministerial Decision. The basis and process for making and recording Ministerial Decisions is clearly laid out in R.80/2005.

In relation to decisions made at meetings of the Council of Ministers, a Decision Summary is distributed to States Members the following day. Minutes of the ‘A’ Agenda are published and available to States Members. Agendas are also sent to States Members prior to the Council of

Minister's meeting identifying issues due for discussion. A press briefing is also undertaken shortly after the meeting of the Council of Ministers helping to ensure that decisions of the Council of Ministers are effectively and swiftly communicated to the wider public.

Furthermore, Ministers have agreed on a Code of Conduct as outlined in R.14/2006. This Code offers clear guidance to Ministers on matters which relate to their responsibilities as Ministers and as members of the Council of Ministers.

Finally, the Scrutiny Panel process and the Privileges and Procedures Committee help to ensure that Ministers are held accountable for their decisions, policies and actions.

The Deputy has made a number of comments, both within Jersey and further afield, that suggest he does not believe there is sufficient accountability. If that is the case I believe he should either put forward his evidence to the Privileges and Procedures Committee or bring his own Report and Proposition to the States.

## **1.12 QUESTION BY DEPUTY G.P. SOUTHERN OF ST. HELIER TO THE CHIEF MINISTER REGARDING "IMAGINE JERSEY 2035":**

### **Question**

- (a) Does the Chief Minister stand by the statement on page 4 of the report "*Imagine Jersey 2035 – preparing for the future*" he issued in co-operation with the "Involve" organisation on the 13th March 2008 -

*"The survey and initial conference votes indicated a strong opposition to any increase in taxes and contributions."*?

If so, how does he reconcile this with the information given on page 27 of the report, covering the conference, and with the following statement from page 75 on the wider survey:

*"The vast majority of submissions were in favour of encouraging the resident population to pay more"*?

- (b) What justification can the Chief Minister offer to States members and to the public for the following statements -

*"Young people and those in full-time education were most likely to oppose this option (paying more) – three fifths of those in full-time education voted against"*

*"100% in the 19-24 age group voted against raising taxes." "Half of the 0-18 group voted against."*

### **Answer**

- (a) The wording to which the Deputy refers was written by Involve, an independent not for profit organisation which specialises in public participation. The Council of Ministers has received the report from Involve and published it without making any changes to its content.

As part of the executive summary, the sentence identified by the Deputy clearly refers to the survey and initial conference responses. The executive summary goes on to make clear that



this position was modified during the day, in particular when citizens were asked to come up with their own answers to addressing the issue of the ageing population.

The information given on page 27 demonstrates that, having had the opportunity to consider and discuss the issue, participants at the conference were in favour of some increase in taxes/contributions to address the issue.

Page 75 is part of a summary of the written responses received by the Chief Minister's Department and does not relate to the survey. This identifies that one fifth of respondents made comments about tax and the majority of these were in favour of some increase in taxes/contributions to address the issue. Indeed, this is made clear in the executive summary, which states *'The submissions to the written consultation revealed a level of support for paying more...'*

The Deputy refers to only one part of an executive summary which attempts to bring together a broad range of information and views. When read as a whole, the executive summary makes it absolutely clear that there was a level of support for paying more. In addition, the full report provides a comprehensive analysis of the information that emerged directly from the consultation exercise.

In the press release that accompanied Involve's report, I summarised the main messages as:

- Broad support for growing the economy.
- Strong support for working longer as part of the solution to the challenges ahead.
- Whilst people do not actively support increases in taxes and contributions, many are willing to accept some level of increase in order to maintain public services.
- Inward migration was the least popular of the four options presented but there was also acceptance that controlled inward migration may be necessary.
- Strong opposition to new buildings on green fields, but acceptance of good quality and affordable development in the built up area.

This is my summary of what has been a comprehensive and complex consultation exercise.

- (b) These are factual statements relating to the voting responses of young people to the option of paying more and have been identified by the demographic information captured at the conference where young people between 0 and 24 made up 11% of the delegates.

The voting responses of young people on this option have been highlighted by Involve as with other options in the report. This is simply part of their analysis of the preferences expressed by those who attended the event.

## **2. Oral Questions**

### **2.1 Deputy J.A. Martin of St. Helier of the Minister for Transport and Technical Services regarding proposals to replace the housing development at Ann Court with a 1,000 space car park:**

Would the Minister confirm that any proposals to replace the housing development at Ann Court with a 1,000 space car park will be lodged for consideration by the Assembly and, if this is being considered, when is it likely to happen? Thank you, Sir.

**Deputy G.W.J. de Faye of St. Helier (The Minister for Transport and Technical Services):**

There is in fact no requirement under States Standing Order No. 168 to bring the plans for a new Ann Court car park to the States for approval. Approval of plans for new construction has been delegated to the Minister for Treasury and Resources and the new car park plans will be referred to that Minister for approval following receipt and approval of the tender by the Minister for Transport and Technical Services. However, due to the location and the nature of the new car park, it is my intention to hold a full and complete public consultation process prior to plans being submitted to the Planning Department. It is intended that this process will commence in early June and will run for 6 weeks. All comments received during the consultation period will be considered prior to the scheme being finalised and then submitted to Planning. Members, of course, will be given every opportunity to comment on the scheme during that consultation process.

**2.1.1 Deputy J.A. Martin:**

I thank the Minister for his reply. It does come as quite a surprise, Sir, because from *Hansard*, in the last session I asked the same question to the Minister of Housing and he assured me 3 times he was not willing to get rid of housing until this House - this Assembly - has made a decision to make a car park. So, as I understand there is no obligation under Standing Order 168, would the Minister not reconsider as it is such a large project, to bring it to the House for consideration?

**Deputy G.W.J. de Faye:**

Yes, I am happy to reconsider the position, Sir.

**2.1.2 Deputy J.B. Fox of St. Helier:**

I understand from last night's Parish meeting in St. Helier that in fact there is a proposal the ground floor of this proposed car park will be reserved for white van parking, the 680 such vehicles parked in the side streets of St. Helier at this moment in time. Could the Minister request, when considering to putting this proposal out to public consultation, that the parishioners of St. Helier and indeed the Islanders be advised on the other proposals in the reasonably immediate area of this top end of St. Helier - with relation to other public parking spaces, either to be removed or to be added, i.e. such places as Snow Hill - so that the public can have a better understanding of what facilities will be available and those that will not be available? Especially for residents. Thank you.

**Deputy G.W.J. de Faye:**

It is the intention to pursue this particular project as a normal informal planning application and I think that to throw into the pot all the additional things that the Deputy is referring to may only serve to confuse the issue.

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

I note the Minister has agreed to reconsider his earlier indication that he would not be bringing this matter to the States. Does he not agree with me that if he were to bring the long-awaited integrated transport and travel plan to the House that would be a good opportunity for us to debate the wisdom of siting the new car park in the proposed area?

**Deputy G.W.J. de Faye:**

I partially agree with the Constable, Sir. The fact of the matter, as I am sure the Assembly is very well aware, I am disappointed at the amount of time that it has taken to compile the integrated travel and transport strategy but, as we all know, it has been delayed time and again because of the work that the Transport and Technical Services Department has had to put in to ensuring that the Traffic Management Plans that lay behind the installation of a tunnel at the Waterfront will work. That has been the high priority. There are also considerations that Members will be aware of that have emerged from the EDAW analysis of developments around town and, yes, of course all these things will be drawn together in the integrated travel and transport strategy which I hope will be of benefit, not only to the Assembly but to the Island.

**2.1.4 Deputy A. Breckon of St. Saviour:**

I wonder if I could ask the Minister if he could identify where the funding for this is coming from?

**Deputy G.W.J. de Faye:**

As the Deputy who sits alongside me well knows, my department is seriously strapped for cash and I have very little idea where the funding is coming from at this stage. Environmental taxes is one possibility and also the well-padded coffers of the Minister for Treasury and Resources is another. But that looks to be some way down the line. As Members will very well know, funding for all sorts of projects, not just within the Transport and Technical Service Department, is a major issue.

**2.1.5 Deputy G.P. Southern of St. Helier:**

Would the Minister care to explain his reference to the Minister for Treasury and Resources apart from holding the purse strings, what is his involvement in supervising this actual provision?

**Deputy G.W.J. de Faye:**

Well, the Deputy has been in the States as long as I have and I am surprised he is not aware of the existence of Property Services, now Property Holdings. It is a fact that my department does not own the car parks, the car park ownership comes under the remit of the Treasury and Resources Department and most directly, I believe, Deputy Le Fondré and therefore, because it is that department acting as the effective owner of multi-storey car parks in Jersey, that it would be that department that would properly take planning application forward before the Minister for Planning and Environment.

**2.1.6 Deputy G.P. Southern:**

Supplementary, Sir, if I may? In that case, in addition to his agreement to reconsider bringing this proposition to the House, will he put pressure on the Minister for Treasury and Resources if he does not do so to bring such a proposition to the House?

**Deputy G.W.J. de Faye:**

I have so far heard 2 Members who would like some reconsideration of this matter and I will certainly avail the Minister for Treasury and Resources of that information.

**2.1.7 Deputy A.D. Lewis of St. John:**

Just to follow up on the Constable of St. Helier's question really. Is the Minister in a position at this stage to tell us when the report of the integrated transport policy is going to be published? Thank you, Sir.

**Deputy G.W.J. de Faye:**

The Minister wishes he was but he is not.

**2.1.8 Deputy J.A. Martin:**

I think it is maybe more than consideration because the Minister has admitted to this House he has no idea where the funding is coming from. I thought we were under a process of adopting business plans and budgets for the next 2 or 3 years and if this amount of money is not in it I do not think it is a question of considering. I think the Minister must bring this proposition to the House and tell us where the money will be coming from. Does he not agree?

**Deputy G.W.J. de Faye:**

No, I do not agree. I think clearly an earlier answer was not properly understood by the Deputy and possibly other Members; when I referred to a lack of funding I was referring to the outcomes of the integrated travel and transport strategy which will face those problems. The funding of a new multi-storey car park of course will be funded out of the car park trading account which is precisely

set up specifically in order to have funds to build new multi-storey car parks or repair ones that have become dilapidated or whatever. So the funding issue in respect of a new multi-storey car park is not in fact an issue.

**2.1.9 Deputy I.J. Gorst of St. Clement:**

As the Connétable of St. Helier rightly pointed out, these issues are better considered in the round of the transport strategic document. The Minister says he is not in a position to tell us when it will be released; perhaps he could tell us why there is such a delay on it?

**Deputy G.W.J. de Faye:**

I will not go over old ground, Sir. I think everybody is quite well aware about what has caused the delays. It is also worth reminding Members that the proposals for the Ann Court car park are not related to the overall car park strategy that would be contained in the travel and transport plan, they are more directly related to a desire to create a town park. In those terms the car parking that currently exists in the proposed area for the town park would have to be replaced and Ann Court holds the spaces for such replacement. That is the driving factor behind the Ann Court multi-storey car park, not the overall car parking strategy for St. Helier, although of course it will be a facet of it.

**2.2 Deputy K.C. Lewis of St. Saviour of the Minister for Social Security regarding the introduction of insurance for long-term residential care:**

Will the Minister inform Members what progress, if any, has been made regarding the introduction of insurance for long-term residential care?

**Senator P.F. Routier (The Minister for Social Security):**

The proposal to introduce an insurance scheme for care in old age, both in residential homes, but also wherever possible in the community and at home, is a cornerstone of the Health and Social Services Department's strategy for future health care in the Island, known as "New Directions". The Social Security Department is one of many key partners in the development of the strategy. Once New Directions has been debated and, hopefully, adopted by the States, the Social Security Department will further develop an insurance scheme and, in anticipation of this specific objective for the department, it will be established within our Business Plan for 2009.

**2.2.1 Deputy K.C. Lewis:**

I thank the Minister for his reply, Sir. As the Minister is no doubt aware, many people live with the very real fear that one day one of the partners may have to go into long-term residential care through illness and having worked hard to buy their homes, it would be a disaster if they have to sell in later life to pay for the residential care. Will the Minister undertake to put this item through as a priority?

**Senator P.F. Routier:**

As I mentioned in my earlier remarks, there is a fair amount of work to be done prior to bringing in the insurance scheme, part of the whole strategy. We are working together with Health and Social Services, Treasury and Resources, the Jersey Care Federation as well and the Parishes and private residential care homes. What we are trying to do first is to agree a standard of care which needs to be provided and have common care contracts so that we can be sure that the appropriate care is given and appropriate charges are being asked for. We will then be able to decide on how much it is going to cost and how it should be funded. It will be done as soon as we possibly can.

**2.2.2 Deputy G.P. Southern:**

Does the Minister not accept that the timescale he has just suggested by 2009 is probably unrealistic given the fact that we have yet to see the finalised New Directions?

**Senator P.F. Routier:**

I very much hope that we will be able to meet that timescale. I know both departments are working hard to ensure that the strategy which was involved within New Directions will come forward as early as possible and I am as keen as probably anybody else is to have an insurance scheme in place. But we have to do it in a proper orderly fashion to ensure that we have a sufficient supply of residential care and it is being charged for at the right costs and we can afford to pay those costs.

**2.2.3 Deputy G.P. Southern:**

Supplementary, if I may, Sir? Does the Minister not accept that in the absence of such a policy, he will have problems increasingly with the cost of paying for residential care without such a scheme to provide specifically for those costs?

**Senator P.F. Routier:**

I presume that the Deputy is specifically thinking about those people who would fall within income support who would need to have their costs subsidised. We have obviously forecast budgets for the increased costs of residential care over the coming years. This strategy to have an insurance scheme for everyone to contribute to would obviously support those people who would fall outside of income support and that is the mechanism that would be there to help people to pay for their long-term care. I do accept that there is an issue to be dealt with and we will be dealing with it as soon as we possibly can.

**2.2.4 Deputy R.G. Le Hérisier of St. Saviour:**

Would the Minister confirm that the timetable for working with the Health Department in terms of New Directions is totally on target and he has heard nothing to vary his view in that regard? Secondly, Sir, would he not accept that a lot of the preparatory work, e.g. the figures, the financial models could be done now ready to press the button when the policy is approved?

**Senator P.F. Routier:**

With regard to confirming whether New Directions is on target, I cannot give that confirmation. I am awaiting obviously for the Health and Social Services to produce that document as a whole. There is work going on with regards to care for the elderly; within my department we have somebody who is collating all the information with regard to the costs of residential care. That work is going on right now because we need to have that even for income support purposes. So that is happening and we hope to have those contracts in place for those people who are going to be supported by income support by the end of this year. So that is a piece of work that is going, Sir -- we are getting the knowledge that is required to help us know what will be required for an insurance scheme in the future.

**2.2.5 Deputy G.P. Southern:**

Is it not the case that the preparatory work required to prepare for the required scheme is in fact seriously undermined by the amount of work that needs to be done on solving problems brought up by income support and, longer-term, will be in doing the work to correct the income support scheme which is so far proving to be rather problematic?

**Senator P.F. Routier:**

I think the Deputy is living in a totally different world to what I am living in. He seems to be dreaming up problems with income support which do not exist. What the Deputy is trying to bring together are 2 issues which are unrelated. The work that is going on with regard to income support and the provision of paying for care for the elderly, that has been planned for and we know where we are heading with that and the projected funding for that. That is happening. I will only be repeating myself with regard to the long-term insurance scheme. That work is ongoing and we are getting on with it as soon as we possibly can.

### **2.2.6 Deputy A.E. Pryke of Trinity:**

Does the Minister feel that the care component in the income support is sufficient? If there is a shortfall because they are needing more care, *et cetera*, who picks up that difference?

### **Senator P.F. Routier:**

There is obviously a care element within income support. What happens if someone is having to pay additional amounts for care within residential homes, that amount is picked up with extra payments from within income support. Although there is a set amount within the income support component, if someone is currently in a residential home and there are additional costs, an extra payment can be paid from within income support.

### **2.3 Deputy R.G. Le Hérissier of the Minister for Home Affairs regarding the model used for the Board of Visitors for HMP La Moye:**

Will the Minister be proposing that the Board of Visitors for H.M.P. (Her Majesty's Prison) La Moye be based upon the model used at Greenfields and if not, why?

### **The Deputy of St. John (Assistant Minister for Home Affairs - rapporteur):**

The constitution and responsibilities of the Board of Visitors is governed by regulations approved by the States, the Prison Board of Visitors (Jersey) Regulations 1957. The Board of Visitors has consistently carried out its duties proficiently and fairly. The Minister and I meet with the Board on a quarterly basis to keep up to date with their work in the prison and to address concerns they raise from time to time about prisoner welfare. During my time with Home Affairs, I am not aware of any complaints about the current constitution and operation of the Board by any prisoner. Hitherto there has been no cause to propose any changes to either the constitution of the Board or the manner in which it operates. Members may wish to note that the Education and Home Affairs Scrutiny Panel's Forward Work Programme for 2008 includes a review of the Prison Board of Visitors. I would not, therefore, wish to pre-empt any findings or recommendations that the Panel might make. The Minister will consider these in due course.

### **2.3.1 Deputy R.G. Le Hérissier:**

Can the rapporteur therefore confirm that he is totally satisfied with the composition of the Board and, in view of the current controversy swirling around, he believes it is totally fit for purpose and a model of how these matters should be handled?

### **The Deputy of St. John:**

Yes, Sir, at this stage we have no reason to doubt it, Sir.

### **2.3.2 Deputy J.A. Martin:**

From memory, could the rapporteur tell me exactly who sits on the Board and how it is made up, please?

### **The Deputy of St. John:**

Yes, Sir. It consists of 7 Jurats. Jurat Tibbo is the Chairman, Jurat Le Brocq, Jurat Le Breton, Jurat Clapham and Jurat King, Sir.

### **2.3.3 Deputy J.A. Martin:**

A supplementary, Sir? Would these not be the same people that would probably have sent the person already to La Moye? Does the rapporteur really think, in this day and age, this is a fitting Board of Visitors for our prison?

### **The Deputy of St. John:**

This is an issue that has been raised before and I do understand why Members wish to raise it, but Board members who preside over a defendant's case in court do not adjudicate over prison disciplinary matters for the same person after that sentence. A prisoner also has the right to object to a hearing being heard by any member of the Board in favour of another.

**2.3.4 Deputy F.J. Hill of St. Martin:**

Would the Assistant Minister not agree that really the boards that operate at La Moye and Greenfields are not really those that are followed outside the Island and would he not agree really that those 2 boards, along with a lay visiting scheme for the police station, should be reviewed by the Home Affairs and not really rely upon Scrutiny to do their job?

**The Deputy of St. John:**

Such matters are always under review and if we have just cause to review it further then we will, Sir. But we do await, with interest, for Scrutiny's intended review, Sir.

**2.3.5 Deputy R.G. Le Hérisier:**

Would the Assistant Minister not accept that his limp answer is astounding in the light of current circumstances and it hardly shows the department is up to speed with reform?

**The Deputy of St. John:**

No, I do not agree, Sir. If we had had consistent complaints about this Board from prisoners in particular and their families, then I would most certainly, Sir, be reviewing this with the Minister. But at the moment we have no reason to do so. But if the Deputy feels very strongly about this, there is nothing to stop him bringing a proposition to this House to make that change, Sir, to that Regulation.

**2.3.6 Deputy J.A. Martin:**

Sorry, Sir, can we just press the rapporteur? He has talked about prisoners complaining; is it not a fact - and he may have a better memory than me - but the past 2 prison reports done from the U.K. (United Kingdom) have been highly critical of the Board of Visitors at La Moye Prison?

**The Deputy of St. John:**

Well, I do not believe they were critical in exactly as to how they operated, Sir, but there were criticisms as to how certain things were not acted upon after complaints or other observations have been made, Sir.

**2.4 The Deputy of St. Martin of the Chief Minister regarding the background to Mr. Bellwood's appeal to the Employment Tribunal:**

Now that Mr. Bellwood's appeal to the Employment Tribunal has been compromised, will the Chief Minister explain - why the case was contested; who was responsible for that decision; what cost was involved; why a member of Greenfields staff has been suspended; and whether there will be an inquiry into the circumstances surrounding Mr. Bellwood's dismissal?

**Senator F.H. Walker (The Chief Minister):**

The case was contested because it was considered that, notwithstanding certain procedural errors in the manner in which Mr. Bellwood was dismissed, there were sound reasons for his dismissal. During the course of the tribunal, Mr. Bellwood agreed, as had previously been alleged - not I have to say by Mr. Bellwood - that he had not been dismissed for whistle-blowing. As the States had already accepted that there were procedural errors in his dismissal there was no further point in continuing with the hearing. A joint statement was therefore agreed and the application was formally withdrawn. The decision to contest the application was made by the Health and Social

Services Department in conjunction with the Chief Minister's Department. I cannot release the details of the out-of-court settlement because the agreement was confidential to both parties, but I can say that the settlement did not exceed Mr. Bellwood's contractual and statutory entitlement. A member of the Greenfields staff was subsequently suspended following the emergence of allegations made during the course of the Employment Tribunal hearing. There will now be an independent investigation into those allegations and this begins today. It was announced on the day of the out-of-court settlement, which was 12th March, that there will be a full independent inquiry into all of the circumstances surrounding Mr. Bellwood's dismissal and what lessons may be learnt from it. It was announced yesterday that this inquiry will be conducted by Professor Robert Upex, an expert in the field of employment law whose name and C.V. (curriculum vitae) along with others were provided to the States Employment Board by the Director of J.A.C.S. (Jersey Advisory and Conciliation Services).

#### **2.4.1 The Deputy of St. Martin:**

Will the Minister agree that there are really 3 major decisions surrounding the whole case? One was to dismiss Mr. Bellwood, the second one was obviously to defend the claim and the third was to give way halfway through the case. Will the Minister advise the House whether those decisions were made by civil servants or by Ministers?

#### **Senator F.H. Walker:**

Ultimately they were made by Ministers and I have to say I stand by them.

#### **2.4.2 Senator S. Syvret:**

When Mr. Bellwood, who I did not know at that time, came to me in the early part of last year with his case, it was immediately clear to me that the case against him by management was an absolute farrago of nonsense. I put this view to the senior officers in the department. They...

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

Sorry, this must be a question.

#### **Senator S. Syvret:**

Yes, it is going to be a question. They told me that no, they insisted that everything was procedurally perfectly in order when it manifestly was not. Does the Chief Minister think it acceptable for senior civil servants to lie to their Ministers in this manner? After Panorama last night... you bloody idiot. **[Member: Oh!]**

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

Senator, Senator, that was... one moment. Senator Syvret, that was completely unparliamentary language. I must ask you to withdraw it.

#### **Senator S. Syvret:**

I will withdraw the word "bloody", Sir.

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

Now there was a question asked of the Chief Minister.

#### **Senator F.H. Walker:**

The case against Mr. Bellwood was not a farrago of nonsense. There were and remain good reasons for his dismissal and I have no doubt that those will all be fully explained and clarified during the inquiry into all the circumstances surrounding his dismissal. Sir, I too deplore the fact that the Senator has chosen, yet again, to say that senior civil servants have lied to him. There is no evidence to support that and again I am confident that that too will be made clear during the inquiry.



### **2.4.3 Deputy R.G. Le Hérisier:**

Would the Chief Minister confirm that given the embarrassment of the agreement that was reached and therefore the information which was denied to the public, that all the information that was denied as a result of the abrupt termination of the inquiry will now be revealed publicly through the findings of the Professor's report?

### **Senator F.H. Walker:**

Yes, Sir, absolutely.

### **2.4.4 The Deputy of St. Martin:**

I hold no brief, either Mr. Bellwood or the man suspended, I have never met Mr. Bellwood and certainly the man suspended I have only met twice about 4 years ago. But I think it is quite fair to say there have been 2 casualties as a result of the problem up there. Could I ask the Chief Minister; will Mr. Bellwood be reinstated? Secondly, I have heard this morning - we all heard this morning which I think was good news - that the matter of the suspension was going to be started, I think, either today or tomorrow - soon. Can I, Sir, have reassurance that the matter of the suspension will be dealt with prior to the full inquiry therefore the person suspended will not have to suffer further duress while waiting for the outcome of the review?

### **Senator F.H. Walker:**

Yes, Sir, the Deputy is correct when he said the inquiry into the suspension starts today and it is intended that that will be a relatively short-running inquiry and should be complete, I hope, within the next few days, and certainly in advance of the full inquiry into all the circumstances surrounding Mr. Bellwood's dismissal. But, Sir, I will maintain or repeat another point; there were and remain good reasons for Mr. Bellwood's dismissal.

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

I did ask whether Mr. Bellwood would be reinstated.

### **Senator F.H. Walker:**

Well, Sir, so long as good reasons remain for his dismissal he will not be reinstated. The only possible circumstances I could envisage in which that might happen is if the Committee of Inquiry came out strongly and clearly and supported his view that he was wrongfully dismissed and found indeed that to be the case. But I very much doubt that that will be the outcome. But of course it is a fully independent inquiry and we will have to await its conclusion.

### **2.4.5 The Deputy of St. Martin:**

Could I just press the Chief Minister to come back? I feel rather strange that Mr. Bellwood has received a full compensation for being sacked yet he will not be offered his job back because he was guilty of something. I find it hard to follow.

### **Senator F.H. Walker:**

The Deputy misunderstands the position. There were and remain good reasons for Mr. Bellwood's dismissal. Now I cannot repeat that too often. The problem from the States perspective was that there was a technical glitch in the way in which he was dismissed. It was purely technical in that he was not given the notice that he was entitled to. That is the only problem and that is why the settlement was within his statutory rights and well below - well below - the figure Mr. Bellwood originally requested to settle the issue some months before the tribunal sat.

### **2.4.6 Deputy R.G. Le Hérisier:**

I wonder if the Chief Minister could clarify; there are an awful lot of inquiries going on or being announced and I think we are all getting slightly confused. There seems to be an immediate inquiry starting today with a narrow remit and then a broader inquiry into Greenfields. Could he clarify

how those 2 inquiries are going to run; whether they are concurrent and when each of them are going to report?

**Senator F.H. Walker:**

I thought I had answered that in the response to the Deputy of St. Martin. The inquiry into the suspension starts today, as both Deputies have correctly observed, and as I said in answer to the Deputy of St. Martin, we anticipate that being concluded within a very short timescale. The full inquiry into all the circumstances of Mr. Bellwood's dismissal will start when that has finished and that will take much longer to resolve. It will be a full public inquiry and Members already have details of the expert who has been employed to chair it.

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

I have got to thank the Chief Minister because I really felt this morning I may well have got very few answers because everything is *sub judice* until we had a review. So I think it is refreshing the answers I have had this morning. But one question remains; when the full review on Greenfields with - I cannot remember the name of the gentleman who will be doing it - but will there be a full panel working with him and will the States have any say in the make up of that panel?

**Senator F.H. Walker:**

Are we talking here about Mr. Bellwood's dismissal or the Andrew Williamson inquiry into Greenfields?

**The Deputy of St. Martin:**

The Bellwood dismissal.

**Senator F.H. Walker:**

No, Sir, it is not planned that there will be a tribunal sitting with Professor Ubex, it is planned that he will conduct the inquiry himself.

**2.5 Deputy G.P. Southern of the Minister for Social Security regarding problems relating to the issue of benefit cheques which occurred over the recent bank holiday:**

Will the Minister inform Members whether any problems occurred in the issue of benefits cheques over the recent Bank Holiday and if so to what extent were recipients of benefits affected?

**Senator P.F. Routier (The Minister for Social Security):**

All benefit cheques due on Good Friday, 21st March and Easter Monday, 24th March, were despatched by the department on the previous Wednesday, 19th March. All B.A.C.S. (Bank Automated Clearing System) payments in respect of Good Friday, 21st March and Easter Monday, 24th March were processed in sufficient time to clear claimants' bank accounts on Thursday, 20th March. Therefore no problems occurred through the issue of benefit payments by cheque or BACS in respect of the recent Bank Holiday. Sir, I could just stop there because I have answered the question, but I would just like to expand a little further. In addition to processing payments due in the days leading up to Easter and processing payments in advance in respect of Good Friday and Easter Monday, in the days leading up Thursday, 20th March, the department processed payments due on Tuesday, 25th and Wednesday, 26th March. It is obviously a weekly activity to process payments in respect of the first 2 working days of the following week in the previous working week. Of the 22,259 payments processed in the 4 days, Monday, 17th to Thursday, 20th March, 97 per cent were processed as scheduled. However one BACS payment in respect of Tuesday, 25th March, which was not the Bank Holiday, failed to complete. But the payments arrived in claimants' bank accounts the following day. These BACS payments would still have cleared bank accounts earlier than the cheque payments would have been in respect of the same day. However,

the department is rightly proud of its usual 100 per cent record in transacting payments on their due dates and I have been asked to apologise on its behalf to customers who may have been affected by this delay as it knows how important it is to those clients to have those payments made at the right time. I wish to reassure customers that such a delay is a very rare occurrence but the department has nevertheless introduced further checks to minimise even further the chances that it could be repeated.

**2.5.1 Deputy G.P. Southern:**

Is the Minister aware that now that he is responsible, not only for the payment of Social Security cheques, but for the replacement of what was the safety net of welfare previously - and given that many of the recipients of benefits have extreme problems budgeting for a full week - any delay in the issuing of cheques may lead, in many cases, to hardship. What arrangements does he have in place to ensure that any case of hardship is immediately alleviated as it might have been previously by a visit down to the Welfare Department?

**Senator P.F. Routier:**

Of those people that had a delayed payment, 2 people contacted the department and we paid them cash immediately. Those were the only 2 people who asked for immediate support and we are able to do that. There were some people who phoned and accepted that a day's delay was not a problem for them and we apologised to them and they accepted that apology. As I say, the people, if they are in any desperate need, know we have a system of paying cash and they know we do that immediately.

**2.5.2 Deputy G.P. Southern:**

If I may, Sir? I refer to the actual case; the Minister has just said one of the people was given a cash payment immediately. Can I use her words? "The officer refused me a cash payment. I refused to leave and after 2 hours the supervisor's attitude changed and she gave me the cash I was owed." The person had to sit there for 2 hours while the supervisor insisted that she was going to generate a cheque. Can the Minister explain that behaviour?

**Senator P.F. Routier:**

The department deals with many people coming in asking for money and we need to deal with them and make sure we are dealing with them fairly. If someone has had to wait 2 hours there were obviously some checks that needed to be made. I would support the department ensuring that they do give money to the right people and at the right amount. So if someone has had to wait 2 hours for that to happen, well that may be the case but at least they have not had to wait another day.

**2.5.3 Deputy G.P. Southern:**

May I push the Minister? In general terms, if at any time cheques are delayed from Social Security, what is his general broadcast advice that recipients who find themselves in difficulty should do in order to alleviate any hardship that may be caused by delay? Because while the Minister may have a target of 100 per cent efficiency, he must surely accept that from time to time, for reasons beyond his control, cheques will be late and at the moment there is no safety net.

**Senator P.F. Routier:**

I do not accept the point that there is no safety net. There is a safety net. People can come into the department as has been demonstrated by the 2 people who came into the department out of 22,000 people. The Deputy has had one person come to him and I apologise for that: the department apologises for those 2 errors. There is a system in place for people to come into the department and to receive cash when needed.

## **2.6 The Deputy of St. Martin of the Chief Minister regarding proposed amendments to the Criminal Justice (Young Offenders) Law to confer new sentencing powers in respect of offenders aged 12 plus:**

Given that 2 Ministers who were directly involved with Greenfields are apparently not in favour of proposed amendments to the Criminal Justice (Young Offenders) (Jersey) Law to confer new sentencing powers in respect of offenders aged 12 plus, will the Chief Minister explain why the amendments were included in the law drafting programme?

### **Senator F.H. Walker (The Chief Minister):**

Contrary to the question's preamble, the 3 Ministers concerned have made no firm decision about the proposed amendments to the Criminal Justice (Young Offenders) (Jersey) Law 1994. It is in the programme because there is some ambiguity in Articles 4 and 5 of the Law which may require amendment as to how younger children could be dealt with on a custodial basis. Clarification of the legal position is being sought prior to the States being asked to debate the issue. The amendments for which law drafting time was allocated last year was partly a response to representations made by the courts that a power was needed to allow children aged between 12 and 14 to be sentenced to a period of secure custody. The Ministers felt able to agree to the broad concept of custodial sentencing, subject to certain important caveats, but they do hold individual views on the precise terms under which the court could invoke new sentencing powers. These issues will be decided before precise law drafting instructions are formulated.

### **2.6.1 The Deputy of St. Martin:**

Would the Chief Minister accept that last year the States approved the 2008 Business Plan which included the specific amendments which he has just referred to, therefore it is incumbent then upon the Minister for Home Affairs to advance the wishes that have been made by this House, i.e. that the instructions should be given to the Law Draftsman without delay.

### **Senator F.H. Walker:**

The Deputy is quite correct but there are 2 fundamental issues which have to be resolved. The first is the age at which young people should be able to be sentenced to a period of youth detention, and the second is whether youth detention should be served in the Young Offenders Institution at La Moye or the secure unit at Greenfields. Sir, those are fundamental issues which do need resolution but I agree wholeheartedly with the thrust of the Deputy's question. I believe this is a matter that does need to come to the States at the earliest possible opportunity.

### **2.6.2 The Deputy of St. Martin:**

Could I ask when it is intended to bring forward this legislation? I have page 201 of the Business Plan and as long ago as 15th May last year the Law Draftsmen were waiting for instructions. It would appear that there is no rush to get this legislation through the House - it is almost 12 months - can we have some idea when this will come to the House for the House to make a decision?

### **Senator F.H. Walker**

I cannot give a specific date, and I am sure the Deputy is aware, as are I think most other people, that there have been many events surrounding Greenfields which bear on this important issue which were not envisaged at the time the plan was put into place. Of course, we have got still the running Williamson Inquiry which is due to report very shortly and I have no doubt Mr. Williamson will be making recommendations in that respect. We also have the Howard League due to carry out their own investigations in Jersey in May. We have got to make sure that we take every possible expert view on these fundamental issues and rather than rush this through to the States, under very different circumstances to those envisaged last year, we have got, above all, to make sure we get it right.

### **2.6.3 Senator S. Syvret:**

Does the Chief Minister recognise the danger that if we adopt measures that will enable the ready imprisonment of children then that is simply what will be used by the courts until the unit is full, and by doing so we may not in fact truly be succeeding in addressing the actual causes of the behaviour and the needs of these children. Will he assure me that before this legislation is progressed he will take note of the views of organisations such as the Howard League for Penal Reform and, in particular, that he will make sure that whatever approach we adopt to youth offending has a proven track record of success, which is not often the case simply of mere imprisonment.

### **Senator F.H. Walker:**

I have every faith in our courts to decide what the appropriate sanction should be against any young offender - every faith. I have similar faith in the excellence of our probation services who I know are doing an extremely good job with young offenders and putting many back on to the straight and narrow. I have already said in response to the Deputy of St. Martin that we will be taking all expert opinion into account and that getting this right is infinitely preferable to bringing it forward to a precise date. Jersey has to have nothing short of the top standard in terms of how we deal with young offenders and I would only be satisfied personally, and I know the 3 Ministers involved share that view... we need to be satisfied that we have done everything reasonable and we have got it right before bringing it forward to this House for debate, and we will.

### **2.6.4 The Deputy of St. Martin:**

Would the Minister agree with me that really that when one looks at putting youngsters in secure units that is the very last option, not the first, and would he agree with me on that?

### **Senator F.H. Walker:**

Yes, Sir, I do. But, at the same time, we must heed the views of the Magistrate that with frequently repeating offenders he has found his powers more limited than he would like, and we have to look at that side of the aspect as well.

## **2.7 The Connétable of St. Helier of the Minister for Economic Development regarding the promotion of the Island during the International Year of the Potato:**

Will the Assistant Minister advise what steps he is taking to exploit the opportunity presented to the Island's agricultural industry by the designation of 2008 as International Year of the Potato?

### **Deputy A.J.H. Maclean of St. Helier (Assistant Minister for Economic Development - rapporteur):**

I am delighted that the Constable has asked this question. It gives me the opportunity to emphasise not only the importance of our agricultural industry but to highlight one of the finest export products, the Jersey Royal potato. Our potato industry has an export value in 2007 of £23 million. In 2008 the Jersey Royal marketing campaign will run through May and into June when the bulk of the crop is available and good yields can be expected. The Economic Development Department is investing £250,000 to market the Jersey Royal in national media throughout the U.K., largely in newspapers and colour magazines. The advertising and P.R. (public relations) campaign is currently being finalised and will aim to take full advantage of all opportunities to promote the Jersey Royal premium brand and the Island as a visitor destination with a high quality restaurant experience.

### **The Connétable of St. Helier:**

I thank the Deputy Minister for his answer, Sir.

### **2.7.1 Deputy R.G. Le Hérisier:**

Before the Assistant Minister has his chips I wonder, Sir, could he advise the House whether the presence of 2 operators, both as growers and marketers, has increased the market and, if so, could he give an estimate by the extent to which the market has been increased?

### **Deputy A.J.H. Maclean:**

An extra operator marketing organisation is likely to be beneficial for the industry. We are anticipating in 2008 that an extra 1,000 vergées should come into production. Indeed, we have already seen 3 growers re-enter the market on the back of the competition that has been generated by the new organisation, which is operating out of the Island.

### **2.8 Deputy G.P. Southern of the Minister for Social Security regarding the “winners and losers” under the Income Support scheme:**

Will the Minister provide a breakdown in terms of gender, status and age of the “winners and losers” under the income support scheme in terms of differentials between previous and current benefits and, in particular, of those recipients affected by the £4.1 million reduction in transitional relief outlined for 2009, and if not, why not?

### **Senator P.F. Routier (The Minister for Social Security):**

When I first saw this question it occurred to me I wondered how I was going to be able to answer this as an oral question with all the detail that is being asked for. Perhaps some thought should be given to that. Income support has now been in operation for 2 months. As planned, the department is now in the process of undertaking a detailed analysis of the income support and transitional claims before finalising the fine detail of the future protected payment benefits. This work will be undertaken during this month. I will be issuing a report to Members in May giving more information on transition and the effect on different household groups. As most Members will be aware, income support is a household benefit. The analysis that we are planning will be based on household type; that means pensioners, couples, lone parents, *et cetera*. The Deputy’s request for a breakdown by gender, age and status is not relevant as income support is based on households and not individuals.

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

I am pleased with the response so far, that there will be information published by May. However, it is important before going on into 2009 that we do get a thorough understanding of what is happening to income support, and will he accept to undertake a study of the impact in terms of winners and losers on households of the income support scheme in time for Members to digest the information clearly in order to be able to debate the Business Plan for 2009, because that is when hard and fast decisions will start to be made about where we spend money?

### **Senator P.F. Routier:**

I am surprised the Deputy does not recall the debate we had in September and the information that was given at that stage. We did provide Members with the transitional arrangements which were available to Members to help them make a decision whether to go ahead with income support and the way we would be supporting people through the transition. But, as I say, once we have all the information available to us which we are gathering during this month, we will then be able to decide exactly on how the available money that we have from the Treasury for 2009 will be utilised.

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

It is not the question I asked. Will he guarantee that he gives sufficient information to this House in good time for the Business Plan debate so that Members can assess the effectiveness and the impact of income support during that debate?

**Senator P.F. Routier:**

I am not sure which debates we would be having because we have already had the debate on income support and how transition is going to work. It is the responsibility of my department and myself to use the available transition money, which is known within the budget, to the best possible effect. I think possibly what would be a better approach would be for the Deputy, who is a member of the Income Support Sub-Panel to perhaps use that opportunity, through the Sub-Panel, to sit down with my department and myself to discuss these things rather than trying to get them out through questions within the House. **[Approbation]** Certainly, the questions that are posed by the Deputy on income support are very useful in order to have the information out, but it would be far more productive and more useful for us to have a reasonable discussion within meetings with the Income Support Sub-Panel.

**2.8.3 Deputy G.P. Southern:**

Final supplementary from me, Sir. Will the Minister at least bring to the House's notice the figures of winners and losers in reference to what were recipients of attendance allowance? There are some 700 households or individuals receiving attendance allowance in the past; will he bring to the House information concerning the after-housing cost effect impact of income support on recipients of attendance allowance, in particular?

**Senator P.F. Routier:**

That sort of information will be fairly difficult to give in a reasonable way for anybody to look at and understand it because people's circumstances change all the time. We have a mechanism we put in place for income support which does assess people in an equitable way. For us to be able to give the information the Deputy is requiring would... because everybody's situation changes, their income changes and their circumstances change, to make a comparison is very, very difficult. I make that as an observation for the Deputy. I think he is trying to set us up with an impossible task.

**2.8.4 Deputy G.P. Southern:**

I thought it was the final supplementary but I am getting more and more evasive answers from a man who does not appear to be on top of his brief. During the general debate about the principles of income support we were given time and time again assurances that under income support there would be some winners and some losers but that overall there was a shift of benefits of those most in need. Will the Minister come to this House with clear figures indicating what has been the impact of income support on previous recipients of attendance allowance, in some form or other so that, to start with, this House can start to decide about what the actual impact was and who are the winners and who are the losers under this new scheme because we now need to decide - because nobody in this House knew exactly how income support would be delivered, the Minister when he brought it did not quite know, and certainly did not explain it clearly - we now need to know this year how it is working so that we can correct what I believe we will find to be serious defects in the scheme he proposed.

**Senator P.F. Routier:**

I will do my utmost to give that information to the Deputy and to this House. The ability of myself to utilise the budget that I have to ensure... I have already been criticised a couple of weeks ago for bringing in changes to the care elements that allow people to go to the doctors. We have reacted to an issue and the Deputy tried to turn that, at that stage, into a negative when it was a really positive thing to be doing. That will be the similar sort of circumstance. Once we have the information

collated we will then - and I will then - be in a position to be able to use the money we have available in an appropriate way.

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

#### **3.1 Deputy R.G. Le Hérissier:**

Would the Minister believe that the following statement is consistent with his department's remit to both train and encourage the placement of local people in positions? The advertisement is for the job of personal assistant to the chief officer of Social Security: "The following position does not require the post-holder to have residential qualifications or have been ordinarily resident in the Island for the last 5 years, although preference will be given to locally qualified applicants." Is that consistent with his department's role in training up people for work?

#### **Senator P.F. Routier (The Minister for Social Security):**

When I saw the advertisement it was news to me that that was certainly the position. I was taken aback myself when I saw that. Certainly, from my investigations, I have found out that we have... we went through the same process of trying to recruit somebody very recently to that same position and we did not have one applicant locally at all. Eventually we had to advertise - we got permission to advertise for somebody who did not have the necessary 5 years - and we had one applicant again, and we were able to appoint that person fortunately who was a very able person. The department - probably the H.R. (Human Resources) Department - took the view to save the advertising yet again, going through that same process yet again. I notice not even a year has gone by since we last advertised. It is a position which I found myself, I agree, is inconsistent with our general policy of trying to employ local people. But the practicalities of the matter is that there are very few people who were able to apply for that job in the past and the decision was taken to circumvent the situation because we had to make that replacement quite soon.

#### **3.1.1 Deputy R.G. Le Hérissier:**

Would the Minister therefore accept, Sir, that all his programmes and all the emphasis of the States upon the training up of local people is taking place against a rather strange background?

#### **Senator P.F. Routier:**

The market is what it is at the present time within the employment market. I should make it clear that the advertisement did say they would give preference to local people. It did say that, and I have heard that it is quite possible that a local person will be applying for the job, but that is beside the point. I take the point - I do take the point - and it is the practicalities of the labour market at the present time. If there is a choice of candidates and there is a local person we would take that person, as long as they had the same skills.

#### **3.2 Deputy P.V.F. Le Claire St. Helier:**

I find that remarkable. First I have heard of this. If I understood correctly, the post was for secretary to the Minister or the head of Social Security. Was there any effort made in trying to give succession appointments within the States of Jersey? We have numerous departments, numerous secretaries, numerous skills, numerous courses, numerous people, I find it unbelievable that it was advertised and not one person applied for the post. I mean, surely Social Security has an idea of how many unemployed people there are and how many people there are employed within the States, if not within the Island as a whole. I find that having advertised and having had not one application something must be seriously wrong with the job description or with the processing in hiring that we have to go outside and then only have one applicant who is from the unqualified sector. The Minister has looked into it; what were the reasons behind all of this? Was the job specification too heavy, was there any investigation done within the actual state sector itself?



**Senator P.F. Routier:**

It must be recognised that the employment of staff at that level is an administrative matter and is not a political matter. But the principle I certainly accept, is something that we should be trying to employ people with local qualifications. But the experience, I am told, is that there was - as I explained - nobody who applied for the job. There is within the central H.R. Department I believe a system of trying to encourage local people to be trained-up to take on these positions but the practical reality of it is no one applied for the job. I cannot say any more than that. I mean, that is what happened.

**3.2.1 Deputy P.V.F. Le Claire:**

Could I ask the Minister maybe to get back to us all so that we can have some fathom of an understanding as to what happened to the training that is meant to be going on in the States of Jersey? What went wrong here because surely there should have been an application that was able to be filled within the amount of people that we employ for a post such as this? It is absolutely ridiculous to say there is nobody available. Will the Minister please... I know it is not normally politically done but if it is failing at this level it is failing at other levels too.

**Senator P.F. Routier:**

I accept there is an issue to be dealt with but the labour market is the labour market. I would suggest that perhaps it may be a question that is probably better suited - and I am not trying to pass the buck - to the States Employment Board, who have a general overview of all employment matters within the States. I would like to see a person with local qualifications in the job. I cannot say any more than that really.

**3.3 Deputy J.A. Martin:**

Perhaps if he had looked closely at his 20,000 people on income support who should be job seekers he may have found one with sufficient qualifications. But my question, Sir, is does the Minister for Social Security direct G.P.s (General Practitioners) who sign people off with back injuries or someone who has a back injury at work, is it a directive from Social Security to allow that G.P. to only sign-off the person for 2 weeks. It has been brought to my attention, Sir, that people have said the G.P. is informing them that: "It is no good to come back to me after 2 weeks or more than 2 weeks because Social Security will not allow it." Can the Minister confirm if this is the case, and if so under what authority he is doing this?

**Senator P.F. Routier:**

I cannot confirm that, Sir. I am not aware of that situation being in place.

**3.4 Deputy S. Pitman of St. Helier:**

Would the Minister inform Members how he will be informing recipients of income support of special payments?

**Senator P.F. Routier:**

An applicant would need to make an application for a special payment and if they made an application they would be informed by letter.

**3.4.1 Deputy S. Pitman:**

I have a constituent who has a huge electricity bill because of his illness, and it was only through me that he became aware of special payments. The Minister has not answered my question; will he be making this information directly available to income support recipients?

**Senator P.F. Routier:**

I am sorry, I do not follow the question. Has the person made an application for an additional payment for support?

**Deputy S. Pitman:**

How many income support recipients are aware that they can apply for special payments?

**Senator P.F. Routier:**

There are obviously leaflets available for people to know what they are able to apply for, for income support. I imagine that people would just, as they used to do with Parish welfare... if they have an extraordinary bill they would apply to the department to see if they can get any support. But obviously an application does not mean that it is going to be paid, it would have to be assessed to see if it was an appropriate payment. It is not just a matter of going along and asking for money and it being paid. But it would be dealt with fairly and if it was appropriate to support that person then a payment would be made.

**3.5 Deputy G.P. Southern:**

In his response to my written question earlier in the day he stated that in terms of recipients of income support who require home visits from the G.P. because they cannot access the surgery, that clinical need of the individual family members may include home visits and it further says: "Further funding may be available through a special payment." How widely has he spread the information to income support recipients that such special payments are available for those requiring home visits from their G.P. and that these will be covered if necessary by special payments, because there are a number of people out there extremely worried that while they supposedly have a payment to be able to go and visit the G.P. they cannot do so and require a more expensive home visit?

**Senator P.F. Routier:**

I believe that the department has communicated with people to ensure that they are aware. Certainly G.P.s are aware of it. My understanding is a patient would be aware of that as well. I have not been told that people are not aware of the ability to have home visits. It is a natural progression if somebody is ill they would call the doctor.

**3.5.1 Deputy G.P. Southern:**

Does the Minister accept that there is extreme worry among recipients of H.I.E. (Health Insurance Exemption) in this particular position that their payments will not be covered, will he therefore undertake to increase the broadcasting of the information that such payments are available to reassure recipients, if necessary through their G.P.s through having the application forms with their G.P.s, that such a reserve is there and available and open to them?

**Senator P.F. Routier:**

Firstly there is no need for an application form for additional payments through the G.P.s because, if they have an H.M.A. (Household Medical Account) certainly, that happens automatically. There is no need for special application to be made. If someone does not have an H.M.A. and they have additional G.P. requirements, if their circumstances are such that they do need additional financial support they could make an application to the department for an application. If it is felt that certainly more publicity needs to be made with regard to ensuring that people are aware of their full entitlement, well, that certainly can happen. But I have not had anybody come to me to say that they are not aware of what they cannot claim. Certainly if the Deputy has, I hope he has taken the opportunity to reassure them that there is support there for them, rather than to go around negatively saying that the system is not working and it is failing. I hope he would be able to go out and tell the public that it is a good system.

**3.6 Deputy K.C. Lewis:**

My question has just been partially answered, Sir. In answer to a question of several weeks ago, Sir, the Minister assured Members that if someone was housebound on H.I.E. and needed regular doctor's visits that provided the doctor concerned wrote to the department that this cost would be

met by Social Security. As there still seems to be some confusion among patients and a few doctors, will the Minister undertake to write to all doctors illustrating the procedure, if he has not already done so?

**Senator P.F. Routier:**

Yes, we have already done that. In fact, I think at the last sitting I gave that information. Certainly, G.P.s have all had communications, whether it be electronically or hard copies, we have... in fact, it is in my answer today, I think, to Deputy Southern which talks about the... we have a daily update with doctors of who is on H.M.A. They get an electronic version of who their current people are who have H.M.A. accounts, and what the status of that account is. I am convinced now that all G.P.s are up to speed of how to operate the system.

**3.7 Connétable S.A. Yates of St. Martin:**

I am recognising certain difficulties that the Minister is experiencing in his comparatively new role as provider of benefits and income support, and I would like to ask him that as we on the Income Support Sub-Panel recognise issues, important issues that are arising, will the Minister listen very carefully to our submissions in the future, quite possibly quite soon, will he listen and take very careful note of what we say, Sir, because there are issues arising? I do recognise difficulties that he will be having because he is taking on the role that perhaps the Constables did in the past, and people do not fit into boxes and every case has a merit or lack of merit, but they have to be dealt with. I would like to say that the Income Support Sub-Panel will be bringing issues to the Minister's attention and I hope he will listen very carefully to what we say.

**Senator P.F. Routier:**

I would be delighted, Sir. In fact, as I said in answer to an earlier question, I would be happy to sit down with the Income Support Panel to ensure that we have a joint understanding of the whole system, and to ensure that we do end up with a system which is of benefit to the Island community. I was reading the Sub-Panel's most recent minutes last night and I see that they are calling for evidence and it is something which I understand they want to go with providing myself with information. I will react to the best of my ability and would welcome the opportunity to sit down with them to discuss these matters.

**4. Questions to Ministers Without Notice - The Chief Minister**

**4.1 Deputy P.V.F. Le Claire:**

I wonder if I could ask the Chief Minister, I recently received a request for a letter of support for a resident of Jersey who is seeking to prove that she has been continuously resident here since 2003 in order that she can free herself from the requirements under the 5-year residency law. I put questions to various Ministers in relation to this because, in effect, as a member of one of the 10 E.U. (European Union) accession countries her first 3 years in residence in Jersey were under a work permit scheme. The Minister for Housing has told me that that does not count towards the housing qualifications but given that there are some 4,000 to 5,000 people that this might apply to that might be able to enter into the 5-year stream, what does the Chief Minister feel about this and is he able to give us any indication as to whether or not full-time only begins when the countries are accessed or whether or not the work permit time will be taken into account as far as he is aware?

**Senator F.H. Walker (The Chief Minister):**

This is the first time I have heard of any such issue and I am not in a position this morning to give the Deputy a considered reply, but I will note his question and I will respond to him in full as soon as I can.

**4.2 Deputy S. Pitman:**

In light of a reply received from the A.G. (Attorney General) which I believe Members have been copied into, in my view it seems quite clear there is a very real risk that holding a Committee of Inquiry before all police investigations and trials are concluded could undermine bringing all those responsible for failing our children so appalling to justice. Would the Chief Minister not concede that upon reflection any consideration of a Committee of Inquiry should be put aside until the excellent police work has run its course? After all, Sir, as I would hope we would all agree it is justice that is important and not P.R.

**Senator F.H. Walker:**

We absolutely do all agree that justice is important and that is the most important consideration of all. But the victims are important here and that is why we judged it necessary to propose at this stage a Committee of Inquiry should be established to ensure that all aspects of the child abuse issue are thoroughly investigated and seen to be investigated because only then will the victims have any chance and, indeed, will Jersey have any chance of closing the book on this very sorry and sad chapter in our history. I am surprised at the point the Deputy is making because she and I have exchanged emails over the last few days. Both in those emails and in my original statement, I made it abundantly clear that the Committee of Inquiry would not commence until after the police and judicial processes had been completed so as therefore no chance at all of the Committee of Inquiry interfering with the delivery of justice.

**4.3 Deputy S.C. Ferguson of St. Brelade:**

The House of Lords Economic Affairs Committee is reporting today on immigration. Given that the tenor of the result will be that the economic benefits of net immigration to the resident population are small and close to zero in the long run, will the Chief Minister rethink his support of the immigration policy?

**Senator F.H. Walker:**

We are constantly reviewing Jersey's immigration policy and it would be quite wrong to suggest that Jersey's immigration policy bears any resemblance whatsoever to that in the U.K. We are all aware of huge problems with immigration in the U.K. which simply do not exist in Jersey, where immigration is controlled and we have a great deal more information on our immigrants than they do in the U.K. and, of course, the States have approved new immigration policy which is progressively coming into effect. I see no reason at this stage to review that purely because the U.K.'s position has run into difficulty.

**4.4 Deputy C.F. Labey of Grouville:**

In the Imagine Jersey 2035 results I notice that one of the strongest voting results that came out was that there was very strong opposition to any form of building on green field land. How is the Chief Minister going to progress or secure this priority?

**Senator F.H. Walker:**

We are looking to progress or secure that plan in a number of ways. We require further information first of all on Jersey's housing needs and that would be available to us within the next couple of weeks. But last week I met with the relatively newly-appointed chief officer of our property division, our Minister for Housing, the Minister for Planning and Environment and others, and I was delighted to see how many brown field sites, as they are defined, are potentially available, and many of them in States ownership, if the States are prepared to progress along those routes. So I believe that we have a very strong possibility, a very good chance of securing the housing needs of Islanders on the one hand and doing so with the minimum of intrusion into our green fields.

**4.5 Deputy G.P. Southern:**

Further to my written question earlier on the Imagine Jersey 2035 conference; does the Minister accept that the statement: "The survey and initial conference votes indicated a strong opposition to

any increase in taxes and contributions” made by the organisers involved in their report is, in fact, inaccurate and that from the very beginning there was marked support for paying extra taxes and contributions - so that is an inaccurate statement. Furthermore, does he accept that the statement 100 per cent in the 19 to 24 group, while accurate, totally accurate, referred to the 4 people who were there in that age group, was misleading because the statement: “100 per cent of this cohort agree” is very different to 4 people out of 136 agreed.

**Senator F.H. Walker:**

Both statements were factual and, as the Deputy well knows, went on to be considerably qualified and explained in other areas of the report which he noticeably has so far failed to quote from.

**4.5.1 Deputy G.P. Southern:**

Will the Chief Minister supply me with the evidence that says both of those are factual when the first is totally incorrect and misleading?

**Senator F.H. Walker:**

The first is not totally incorrect, the initial response, which is what the Deputy has himself referred to in the question, did indicate opposition to paying increased taxation. Subsequently, throughout the Imagine Jersey event, that opinion was modified which has also been clearly reported. That is one of those areas that the Deputy has failed to pick up on when he continually questions me on this aspect.

**4.5.2 Deputy G.P. Southern:**

Will the Minister show me that evidence?

**Senator F.H. Walker:**

Yes, Sir.

**4.6 Deputy J.G. Reed of St. Ouen:**

In recent weeks we have heard that the police investigation at Haut de la Garenne has focused on 4 areas referred to by the media and others as the cellars. Can the Chief Minister inform this Assembly, in what year these areas were last used?

**Senator F.H. Walker:**

I cannot precisely answer the Deputy’s question in terms of what year they were last used. But I can inform the Deputy and the House that I was at Haut de la Garenne yesterday and I am satisfied, completely satisfied, that the police have a totally legitimate need to investigate those cellars.

**4.7 Deputy I.J. Gorst:**

The Chief Minister some moments ago in answer to a question from the Deputy of Grouville said that he aimed to deliver restraining development in green field sites by development on brown field sites. Can he confirm that when he uses the term “brown field sites” he does not mean derelict greenhouse sites? He agrees with the Environmental Department that derelict greenhouse sites are green field sites with greenhouses on and not with a Planning Department that might see them quite differently?

**Senator F.H. Walker:**

No, Sir, I cannot. There are a limited number of the sites identified as brown field which do currently have dilapidated glasshouse structures on them. I do not believe that the needs of Jersey or the environment of Jersey are best served by allowing those dilapidated structures to remain on those fields going into an ever worse condition and becoming an ever increasing eyesore.

**4.7.1 Deputy I.J. Gorst:**

Would he not, however, agree that the Island Plan placed an onus upon the owners of those derelict greenhouse sites to ensure that they are either in good repair or taken down?

**Senator F.H. Walker:**

Yes, Sir, I do. But that does not mean when we come to meet the needs of the Jersey community, when they require housing, that does not mean that consideration, in my view certainly, should not be given in particular cases to some of those sites. I believe it goes far too far to maybe blanketly say we will never build housing on dilapidated glasshouse sites. I think that does not accord with the needs of the people in Jersey who need housing. Each site would have to be measured on its merits, but I can further confirm that the number of such sites in the list I referred to earlier is very small indeed.

**4.8 Deputy R.C. Duhamel of St. Saviour:**

The House was recently informed that a strategic planning exercise was being undertaken, not by the Minister for Planning and Environment but indeed by the Chief Minister's Department. In a written question tabled by Deputy Baudains of St. Clement to the House today to the Minister for Economic Development, the answer gives information that the Economic Development Department, Jersey Harbours and the Waterfront Enterprise Board are undertaking a master planning exercise for the East of Albert area that includes the site of the current fuel farm and La Collette. The Minister for Economic Development does not indicate that indeed the planning exercise is being undertaken by the Chief Minister's Department or, indeed, as to whether or not there are any other departments involved in this long term strategic planning exercise. Can the Chief Minister inform the House categorically who is undertaking the strategic master planning exercise for the East of Albert area and whether or not the Minister for Economic Development's remarks should perhaps have included his department as the prior organising influence?

**Senator F.H. Walker:**

The strategic planning of the Waterfront site, including La Collette, the East of Albert area as well, as its known, is being undertaken by all the relevant Ministers and organisations, which of course includes the Waterfront Enterprise Board, so the Minister for Economic Development is involved in that. I am involved in that. Other Ministers are involved in that, but of course at the end of the day any planning decision has to be taken by law and, of course, will be taken by the Minister for Planning and Environment.

**4.8.1 Deputy R.C. Duhamel:**

The Chief Minister did not specifically state which Ministers are involved; could he indeed do so, so that we are not in any doubt as to who is involved?

**Senator F.H. Walker:**

Yes, Sir. This is an open book. It is the Chief Minister, the Minister for Treasury and Resources, the Minister for Planning and Environment, the Minister for Housing (as applicable) and the Minister for Economic Development.

**4.9 Deputy P.V.F. Le Claire:**

Today I have received - I do not know if other Members have - an invitation to the Jersey Field Squadron to look at the activities that they have been conducting both in Afghanistan and Iraq over the last 18 months. I received an e-mail this morning demonstrating the level of support that the Canadian people give to their service men and women when they subsequently have served in those areas of operations and have returned home with their loved ones in caskets, and the support for their loved ones is immense. Some countries are now having to face the fact that they are ashamed to have their own uniforms seen in public. Would the Chief Minister join with me in commending the commitment of the men and women of Jersey who serve in Her Majesty's Armed Forces, both in full-time operations in the United Kingdom and also for the Jersey Field Squadron?

**Senator F.H. Walker:**

Yes, Sir, I very much would. In particular, in relation to the Jersey Field Squadron I was delighted to be able to attend the ceremony at Government House a few months ago when members of the squadron who had recently then returned from Iraq and Afghanistan were honoured by His Excellency and I think that was entirely appropriate and I very much hope and I am sure that will continue to be the case. I think it is, frankly, disgraceful that members serving on behalf of their country who are putting their lives at risk are then afraid to march through the streets or walk through the streets in uniform, and I would hope that would never ever happen in Jersey, and nor do I believe it will. [Approbation]

**The Bailiff:**

I am afraid time has expired, I am sorry to Members who still wish to ask questions. Before we move on to Public Business, the Deputy of St. John has asked if he could give some clarification of an answer he gave to a question at the last meeting of the Assembly.

**PERSONAL STATEMENTS**

**5. The Deputy of St. John:**

It was not myself, it was the Minister for Home Affairs, but if I could make a statement, Sir, I would be much appreciated, thank you. During the States sitting on 11th March 2008 my Minister answered a number of questions from the Deputy of St. Martin and other Members concerning the internal inquiry conducted by head of Customs and Immigration that followed the police investigation into his officers during the latter part of 2007. One of the supplementary questions from the Deputy of St. Martin asked if disciplinary action was being taken against any Customs and Immigration Officers. Her reply then was that she was unable to answer the question at that time. I have now had the opportunity to reconsider that reply. As the Minister explained on 11th March there are indeed some aspects of the report from the Head of Customs and Immigration on which we are taking advice and cannot comment upon as yet. However, Sir, I am able to say in response to the Deputy's very specific point that the internal inquiry found that there had been no misconduct whatsoever by any Customs and Immigration Officer and there was no need to consider any disciplinary action. I wish to make it clear that myself and the Minister are very pleased that the Customs and Immigration Officers have been exonerated of any wrongdoing, and to avoid any possible doubt I wish to place it on public record that I have full confidence in the honesty, integrity and ability and professionalism of the Customs and Immigration Service and its officers.

**5.1 The Deputy of St. Martin**

Can I say I very much welcome this statement but indeed it has almost been like drawing teeth, it has been a long time coming, I think as a result of 3 lots of questions at different times. In recognising the work of the Customs there was no apology. Is the Assistant Minister minded to apologise to the Customs Officer for the inconvenience and concern that they and their families have had to suffer as a result of this really protracted investigation into their activities which have now been exonerated?

**The Deputy of St. John:**

I have had similar discussion with the officers and apologies, in effect, have been made, Sir. However, I would like to add that States of Jersey Police were acting fully within their remit and investigations of this kind are quite normal in uniformed services in order to make sure that the operations of those units are accountable and are operating fully within the law. There is a need occasionally to do so, Sir, so for that action there is no apology but obviously for the distress that the families and the individuals incur during this process, of course there is, Sir.

## **PUBLIC BUSINESS**

### **6. Draft Export Control (Jersey) Law 200- (P.21/2008)**

#### **The Bailiff:**

We come now to Public Business and the first item on the agenda is the Draft Export Control (Jersey) Law - Projet 21 - lodged by the Minister for Home Affairs. I will ask the Greffier to read the citation.

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

Draft Export Control (Jersey) Law 200-: a Law to make provision enabling controls to be imposed on the exportation of goods, the transfer of technology, the provision of technical assistance overseas and activities connected with trade in controlled goods and for connected purposes. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

#### **6.1 The Deputy of St. John (Assistant Minister for Home Affairs - rapporteur)**

If I could propose the preamble to this, Sir. I just wanted to give a brief explanation about this export control order. The reason for the instruction of this Law is primarily to ensure that the Island is not out of step with the U.K.'s handling of the trade in military goods. The Law is an enabling piece of legislation that will allow Orders to be made for the control of exports. The Island already has satisfactory measures in place to control the export of goods where this is judged necessary, but new measures will now be needed to control other activities, as I would explain, Sir. Jersey has always followed the U.K. policy relating to the trade in military goods. This has been achieved by requiring export licences for weapons and related goods that were controlled or restricted by the U.K. In practice, this was done by including the list of controlled goods from the U.K. legislation in Jersey's open general export licence, which is issued under the Customs and Excise (Import and Export Control) (Jersey) Order 2006. This method was perfectly satisfactory for the control of tangible goods and kept us in step with the U.K. policy. However, Sir, in May 2004 the U.K. replaced its existing legislation with the Export Control Act 2002. This Act continued the controls on tangible military goods but introduced provisions for the control of the export of intangible items such as software, and the control of trade and provision of technical assistance. These new controls could not be extended to Jersey via the open general export licence which can only control tangible items. Therefore, in order to keep in step with the U.K. it is necessary to introduce similar legislation in the Island. The Draft Export (Jersey) Law 200- will allow the Minister for Home Affairs, by Order, to control trade and acquisition of military and dual-use goods and the technology to produce and develop them, prohibit exports of military and dual-use goods, related technology and technical assistance - so-called intangibles - and establish certain ancillary measures such as the control of trafficking and brokering in controlled goods and technology. With the instruction of this Law Jersey will have a modern effective legislation for the control of the arms trade. It would ensure that the Island cannot be used as a back door to either export such goods or promote the uncontrolled trade in them. Finally, I should explain that it is intended that ultimately there will be just one piece of legislation for the control of exports and for the new Law to supersede the export provisions of the 2006 import/export control. The first step in this rationalisation process is the inclusion of articles of culture interest in the draft legislation. The effect will be that the whole of schedule 3 of the 2006 order which deals exclusively with controls on exports will now be able to be covered by the draft Law and the Orders made thereunder. Sir, I propose the projet.

#### **The Bailiff:**

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

#### **6.1.1 The Deputy of St. Martin:**



On page 5 of the report it states: “In the view of the Minister for Home Affairs the provisions to the Draft Export Control (Jersey) Law are compatible with the Convention Rights.” Will the Assistant Minister inform the House what articles are affected and why he is of that view, that it is compatible with Convention Rights?

**6.1.2 The Deputy of St. Ouen:**

I notice that in this report it indicates that there are no financial and manpower implications. However, I would like confirmation of exactly how this Law will be implemented and by whom?

**6.1.3 Deputy G.C.L. Baudains of St. Clement:**

Also in the report, Sir, twice it is referred to the export of articles of cultural interest or cultural objects, could the Assistant Minister give me some examples of what this may entail?

**The Bailiff:**

I call upon the Assistant Minister to reply.

**6.1.4 The Deputy of St. John:**

In answer to the Deputy of St. Martin’s question, this has been run past the Law Officers and I have no reason to doubt their advice, which is that it is compatible with human rights, Sir. As far as the manpower implications are concerned; we are already enacting this Law under slightly different measures at the moment. This is simply adding to them the items that I outlined in my speech, Sir. So, there are no additional manpower implications, we are just talking about the policing particularly of intangible goods here rather than the tangible. So there are no additional resource implications. In answer to Deputy Baudains, the cultural aspect I must admit is one that slightly perplexed me when I was first looking at this. What it is really designed to do, and this exists in the U.K. already, is to ensure that items of great cultural interest... let us say it was a collection of local valuable art that was created locally, that is part of our cultural heritage and we would not necessarily want that exported from the Island without good reason. The same thing in the U.K. already applies with items of specific interest, cultural interest, to that country and that jurisdiction. So, one would have to apply for a permit before exporting, like I say, a piece of valuable art that has a particular cultural attachment to Jersey. It is not to say it would not be unreasonably denied by the Minister, but one would have to seek a permit to do so. Those are the items, Sir, that would be regarded as cultural. If any Members are concerned about that or want more information, the list that we go by to decide whether it is an item of cultural interest is put together by Jersey Heritage and we consult with them if we are in any doubt. With regard to items that perhaps have already been exported from the U.K. to Jersey, likewise would not be re-exported from Jersey necessarily, i.e. looking like a backdoor exit from the U.K. because we would consult with their list which is carried by the U.K. Government of such items so that we can ensure that they do not escape from Jersey under the radar, so to speak, Sir. If there are no other questions I would like to propose the articles.

**The Deputy of St. Martin**

I did ask the question of the Assistant Minister, and I never got the answer. I did ask what articles of the Human Right Convention are affected and why, in his opinion, he thinks it is compatible with the Convention Rights. I know that the answer I got was that the advice that the Minister has been given but I was asking the Assistant Minister what in actual fact was that advice and what articles are affected?

**The Deputy of St. John:**

Sorry, I do not have that specific advice to hand, but if the Deputy would like me to look into it further, I am very happy to consult with the Law Officers and get more details.

**The Bailiff:**

Very well. All those in favour of adopting the principles, kindly show; those against. The principles are adopted. How do you wish to propose the articles, Minister; although it must first be considered whether this should go to Scrutiny. Which Scrutiny Panel is this? Deputy Mezbourian, do you wish this matter referred to your Panel?

**Deputy D.W. Mezbourian of St. Lawrence (Chairman, Education and Home Affairs Panel):**

No, thank you, Sir.

**The Deputy of St. John:**

I propose them *en bloc*, Sir.

**The Bailiff:**

Very well. Do you wish to explain them at all?

**The Deputy of St. John:**

No, Sir, so long as Members are satisfied with the projet, I am happy to propose them *en bloc* without further explanation.

**The Bailiff:**

So you propose all the articles and the schedule *en bloc*. Is that seconded? **[Seconded]** Does any Member wish to speak on any of the individual articles or the schedule? Very well. All those in favour of adopting the articles, kindly show. The appel is called for in relation to the articles and the schedule. Members will return to their seats, and the Greffier will open the voting.

<b>POUR: 31</b>		<b>CONTRE: 5</b>		<b>ABSTAIN: 0</b>
Senator F.H. Walker		Deputy of St. Martin		
Senator T.A. Le Sueur		Deputy G.C.L. Baudains (C)		
Senator P.F. Routier		Deputy D.W. Mezbourian (L)		
Senator T.J. Le Main		Deputy S. Pitman (H)		
Senator J.L. Perchard		Deputy of St. Mary		
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Peter				
Connétable of St. Clement				
Connétable of Trinity				
Connétable of St. Lawrence				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Saviour				
Deputy R.C. Duhamel (S)				
Deputy A. Breckon (S)				
Deputy J.J. Huet (H)				
Deputy P.N. Troy (B)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy of St. Ouen				
Deputy J.A. Hilton (H)				
Deputy G.W.J. de Faye (H)				
Deputy P.V.F. Le Claire (H)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				

Deputy of St. John				
Deputy I.J. Gorst (C)				

**The Bailiff:**

Do you propose the Bill in Third Reading, Deputy?

**The Deputy of St. John:**

Yes, Sir.

**The Bailiff:**

Seconded? [**Seconded**] Does any Member wish to speak in Third Reading? All those in favour of adopting the Bill in Third Reading, kindly show; those against. The Bill is adopted in Third Reading.

**7. Draft Employment of the States of Jersey Employees (Amendment No. 3) (Jersey) Regulations 200- (P.22/2008)**

**The Bailiff:**

We come next to the Draft Employment of the States of Jersey Employees (Amendment No. 3) (Jersey) Regulations 200- - Projet 22 - lodged by the Chief Minister. I will ask the Greffier to read the citation.

**The Greffier of the States:**

Draft Employment of States of Jersey Employees (Amendment No. 3) (Jersey) Regulations 200-: the States, pursuant to Article 42 of the Employment of States of Jersey Employees (Jersey) Law 2005, have made the following Regulations.

**Senator F.H. Walker (The Chief Minister):**

May I ask that the Connétable of St. Ouen acts as rapporteur for this item?

**The Bailiff:**

Very well, yes. Connétable of St. Ouen.

**7.1 Connétable K.P. Vibert of St. Ouen (Assistant to the Chief Minister - rapporteur):**

The need for this amendment has come about when the Income Tax Department pointed out an anomaly in the Employment of States of Jersey Employees Regulations, which were adopted by this House in 2007. Under these Regulations, politically eligible States employees could put their names forward for nomination for election as Senator, Deputy or Connétable. That employee would be granted special unpaid leave until he or she resigned or returned to work. Under these same Regulations, the period of unpaid leave is deemed pensionable, although the employee is obliged to fund both employee and employer contributions to the scheme during this period of unpaid leave. The Income Tax Department advised that employees could not pay both contributions without jeopardising the tax-approved status of the Public Employees Contribution Retirement Scheme. Amounts paid in this fashion would become liable to income tax. Following this advice, the States Employment Board agreed this amendment so that special periods of unpaid leave granted for election purposes become non-pensionable. This is in line with other States policies covering unpaid leave. There is no financial or manpower implication to this amendment and I so propose.

**The Deputy Bailiff:**

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

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

I was going to, but I feel bound to just ask a simple question. If there are no financial and manpower implications to these Regulations, do we not notice if a public employee is not present at work? Will there not be implications from their absence?

### **7.1.2 Deputy P.N. Troy of St. Brelade:**

This states that such an employee would have to make his own contributions to the States pension scheme of which he is a member. I would like to ask if that individual were then elected as a States Member, would they still qualify to make personal contributions thereafter into the States pension scheme, as they had previously been paying into the scheme? Because States Members at the moment receive no right of any pension, no contributions are made into pension scheme for States Members and if an employee were able to become a States Member and then continue to pay into the scheme because they had previously paid into the scheme, that would be different to the status for States Members. So could I ask for clarification on that point?

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

I am not sure whether I am stepping-in unnecessarily here, just to refer to the question that Deputy Troy has just put to the rapporteur, but with the States pension scheme, it is like any States employee, if they cease to be employed, then obviously they are no longer able to take part and add contributions from their salary into that scheme. As I expect the Deputy knows, there are all sorts of ways that that particular Member might want to deal in future with their combined benefit within the scheme, but once they become a States Member, my understanding is that they would no longer be a States employee, and therefore not able to contribute to the scheme in the way that they had been doing while they were a States employee.

### **The Deputy Bailiff:**

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

### **7.1.4 The Deputy of St. Ouen:**

Can I thank Deputy Gorst for that intervention; he is quite correct, Sir, that when a States employee no longer becomes a States employee, then their contribution to the scheme falls away, and any further pensionable rights they would wish to acquire, they would have to acquire privately. Senator Perchard asked about the fact that I said that there were no financial or manpower implications to this amendment, and there are none to this amendment. There were some to the original Law. I maintain the proposition.

### **The Deputy Bailiff:**

All those in favour of adopting the principles of the regulations, kindly show; those against. The principles are adopted. Now, this is a matter which falls within the remit of the Corporate Services Scrutiny Panel. I do not think the Chairman is here. You do not? Very well, thank you very much. Now, rapporteur, do you wish to propose the Regulations *en bloc*; there are only 2 of them, Regulations 1 and 2. Are they seconded? **[Seconded]** Does any Member wish to speak on the individual Regulations? All those in favour of adopting Regulations 1 and 2, kindly show; those against. The Regulations are adopted. Do you propose the Regulations in Third Reading?

### **The Deputy of St. Ouen:**

I do, Sir.

### **The Deputy Bailiff:**

Seconded? **[Seconded]** Does any Member wish to speak in Third Reading? All those in favour of adopting the Regulations in Third Reading, kindly show; those against. The Regulations are adopted in Third Reading.

## **8. Draft Act annulling the Motor Vehicles (Construction and Use) (Amendment No. 9) (Jersey) Order 2007 (P.23/2008)**

### **The Deputy Bailiff:**

We come next to the Draft Act annulling the Motor Vehicles (Construction and Use) (Amendment No. 9) (Jersey) Order 2007 - Projet 23 - lodged by Deputy Baudains, and I will ask the Greffier to read the Act.

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

The States are asked to decide they are of opinion to adopt an Act annulling the Motor Vehicles (Construction and Use) (Amendment No. 9) (Jersey) Order 2007.

### **8.1 Deputy G.C.L. Baudains:**

With respect to the Minister who made this Order, and which I seek to rescind, I have to say it is possibly the most pointless piece of bureaucracy I have come across. This Island, Sir, as we know, is sinking under bureaucracy. We are making more every day, so I am especially sad that we should be adding to that pile, and the addition is something which is frankly unnecessary. Now, for a starter, indeed, as I mentioned in my report, I was not much impressed with the "secrecy" surrounding its introduction. I realise it was not intentional by the Minister, but the way it was brought forward was in fact quite convoluted and goes back to the debate of P.87, the Road Traffic (No. 58) (Jersey) Regulations which we debated in September last year, and the Members who may recall that debate will remember that it was essentially about the new driving licence. However, spliced into that debate, Sir, or into that projet, were a few other bits Members may not have picked up on, such as the following 2 short sentences in the report - and I hasten to add there was no mention in the substance of the proposition - and those sentences read, if I may quote: "Those vehicles we require to display a "30" sign to indicate that they are so restricted. This requirement will be prescribed by amendment to the Motor Vehicles (Construction and Use) (Jersey) Order 1998." That was all. During the debate, Sir, the Minister's opening speech and Members' questions on it revolved around the new arrangements for driving licences. Not once did the Minister or Members mention the issue of "30" stickers on the back of vehicles. The Regulations were then moved *en bloc* and I was the only Member to raise the question about vehicles being required to carry a sign, the answer to which I am afraid to say was skilfully avoided by the Minister, which then, Sir, leaves us to ponder the Motor Vehicles (Construction and Use) (Jersey) Order 1998, amended by the Minister's Order on 4th October last year, thereby bringing in the offending requirement on 1st January this year. I may be wrong, and stand to be corrected, but I believe the Bailiff said that he once claimed to have read this lengthy Construction and Use Regulation - the lengthy and complicated document - and I know that I once did read it myself, Sir, and it is very technical and very long. So quite how the public are supposed not only to understand that Law, but also to weave in the amendments created by the Order and then understand the outcome is frankly beyond comprehension. The result was that most people - myself included - had no idea this requirement was about to hit us until we read it in the *Jersey Evening Post*. The Minister admits to a couple of meetings with haulage firms and goods vehicles suppliers, which was apparently by invitation only, and he further advises leaflets were distributed to garages and to Parish Halls. Where one might spot this document in a garage, I am not sure, Sir, and if he has ever been in a Parish Hall, which I am sure he has many times, he will know his leaflet would simply be lost among dozens of others, meaning, in short, most people will not have seen it, as evidenced by the number of people taken unawares. So we have to ask ourselves, Sir, what benefit accrues from this Order? The unavoidable conclusion is absolutely nothing, which I posed a written question to the Minister on 15th January of this year, because among other things, I was anxious to discover the evidence behind the need for this Order. One of my questions was how many accidents have happened that might have been avoided had the "30" disc been displayed on the back? If I may

remind Members of that answer, Sir, the Minister replied that it is impossible to assess how many accidents could be directly related to the lack of a disc, but I can inform the Deputy that according to the States police database during 2006, 22 casualties were suffered from road accidents involving those types of vehicles to be subject to the lower limit. It then goes on to speak of speeding as a serious concern and vehicles being generally less manoeuvrable. Nowhere does it state that the "30" sticker on the back would have prevented those accidents from happening. It does appear that the Minister had to muster all his considerable journalistic and other skills to answer the question, or say something without answering the question. It is obvious that his whole case revolves around the excuse that the sticker on the back of a vehicle will remind the driver not to go faster than 30 miles an hour, the logic of which escapes me, Sir, because unless one is using a pedestrian controlled vehicle, the driving position is usually in front of such a notice, which is therefore out of sight of the driver. Of course, radar speed checks are held in front of an approaching vehicle. Only after the vehicle has passed would the officer be aware that: (a) it is towing a trailer; and (b) its "30" sign fell off last week. No benefit there then, Sir. Had the Minister wished to achieve that which he claims to do, a matchbox size sticker on the dashboard would have been more effective, but that is not the Order he made. He has also claimed the notice reminds the driver travelling behind the vehicle why it is going so slowly. I have to say, Sir, his excuses become more desperate. The vehicle in front may be doing 30 mph for a variety of reasons, none of which have anything to do with the type of the vehicle. It may simply be because that is as fast as the driver wants to go. How many times have we followed 2 ladies driving to the Co-op at 25 mph? Perhaps the Deputy in front of me drives somewhat faster. It could be that is as fast as the vehicle can go, or for those who saw the advertisement, maybe the vehicle in front is a Toyota. Presumably, Sir, following the Minister's reasoning, as far as I am able, a driver following a vehicle displaying a "30" sign but going faster would be able to report that fact. Well, that is fine, until you look at the practicality of it. You are following a vehicle that is displaying a "30" sign, but it is doing nearly 40 mph. So what do you do? You call the police: "Yes, Sir, your name, Sir?" "It is Mr. Smith, Sir." "I see, and you are driving along following a car doing 40 miles an hour?" "Yes, Officer." "Well, in that case, you are charged with using a mobile phone while driving." So whichever way you look at it, the Minister's argument is unsupportable. The simple truth is there is no valid reason in support of this Order, but there are some consequences. First of all, Sir, I would like to address the absurdity factor. What precisely is achieved by having a "30" sign on the back of a bus or an ambulance or a fire engine? They all carry one. I can only hope the last 2 do not comply, which tends to make the law look rather silly. What is the point of requiring a "30" sticker on an agricultural trailer? They cannot do 30 mph flat out, but of course, if we assume that he puts the clutch out, grips the wheel tightly going downhill, he would not know how fast he was going anywhere, because most tractors do not have a speedometer. The law, Sir, truly is an ass in this case, and while talking of agricultural vehicles, I am minded to ask the Minister where he might suggest displaying a "30" sticker on the back of one, because I do not think it would be visible for terribly long. So what, one may say? Well, we are told "so what" will cost you probably up to £5,000. Apparently, not displaying this new sign is considered more heinous than driving without insurance, to which I have to say, Sir, we really are losing the plot. But I mentioned that document before. The Order also amends Article 1 of the Construction and Use (Jersey) Order 1998, and for those who have not read it - with respect, possibly most people - this Order does something else, it redefines the interpretation of low platform trailer, and as I understand it, the effect of that is to make nearly all trailers - because most trailers have wheels of less than a 20 inch rim diameter - designated low platform, meaning now they not only have to display a "30" sign, but another one too. If I may quote from the relevant article, Sir, it says: "No person shall use or permit to be used on a road a low platform trailer" which, as I have suggested, includes practically every trailer now: "unless the trailer displays in a prominent position at the rear of the trailer a rectangular plate which (a) is at least 220 millimetres [that is almost a foot] wide and at least 175 millimetres high [that is about 7 inches, in English money]; and (b) bears 2 black letters L on a white ground at least 125 millimetres high and 19 millimetres wide with a stroke that is at 12 millimetres." It goes on, Sir,

but Members will get the drift. Now we have this situation whereby trailers have to carry 2 signs, or if over-width, 3; a P30 sign for over-width, a “30” sign under the new Order and 2 large Ls. According to the Minister, Sir, all this is vitally necessary in the course of safety. He really should get out more, Sir, I think he has been in his office too long. But what about practicality? How is one to display these signs on, for example, a boat trailer? Both notices are taller than the standard number plate; the 2 Ls notice by some margin, and therefore will end being broken most of the time. What about heavy goods vehicles? I presume we have all seen the nonsense of some of these displaying a P30 on one side and a “30” on the other. I am not sure what that achieves, but that is the law under the Order. Tipper lorries: trying to find somewhere to fix this blasted notice is not easy on the back of the truck, Sir, especially if it is not to get ripped off on a regular basis. As a result, I have noticed that most people display it on the tailboard of their truck, which is great, Sir, until you drive along with the tailboard down. Hey presto, you are breaking the law, because the sign is not displayed. Or when you take the tailboard off to carry long items, again, you are breaking the law, and not forgetting the maximum fine is £5,000. So I fear that when the police are a bit short on their convictions for the month, we are going to have a rash of technical offences. It will not increase safety one iota, but sure as hell will antagonise drivers. Sir, there is the confusion factor. I have seen rear wheel vans with a “30” sticker on the back, and I have seen larger twin-wheel vans without, so I can see when we have road checks in the future, it is going to be a bundle of fun with police trying to find the vehicle plate that identifies the gross vehicle weight, the only means of identifying whether the vehicle is properly signed or not. What about local vehicles going abroad, or indeed, *vice versa*? Will the French assume that our notice means it is restricted to 30 kilometres an hour? What about the U.K.? The Minister made, during that previous debate, great play on the need for licences to be compatible, Sir, but clearly his thinking does not extend to a speed restriction, because over there in the U.K., a trailer with a “50” sign can do 50 mph, but only 40 mph if it does not have a sign. All vehicles are restricted to 60 miles an hour on roads other than motorways and dual carriageways, but vans, lorries and coaches are limited to 60 mph everywhere. How does this fit in with the Minister’s Order? Well, Sir, clearly it does not. It defies logic and creates confusion. I submit that this Order really is a huge piece of nonsense and I invite Members to support my proposition and throw it out. I make the proposition, Sir, and will do my best to answer any questions that Members may have.

### **The Deputy Bailiff:**

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

#### **8.1.1 Deputy G.W.J. de Faye:**

The road of the Minister for Transport is occasionally a bumpy one and clearly today is no exception. I am very grateful to the Deputy for his most interesting observations, but I do want to start by saying to Members that I do not regard this as some attack on either Ministerial government or indeed on the Ministry of Transport and Technical Services in particular. Indeed, I think it is an affirmation of Ministerial government. It is of course entirely appropriate if a Member has an issue with something that has been handled by a department that they should be able to bring it to the Assembly for, as it were, further reflection and consideration, which is what we are doing here. But I would remind Members that one of the ideas behind having Ministers was that they would largely deal with what are called “housekeeping issues”, allowing the Assembly to get on with the worthier, weightier matters of State. I say that with some trepidation, because every time I deal with what is described as a housekeeping matter in this Assembly, the debate usually goes on for at least an hour, but I hope that this will not be necessarily one of those occasions, Sir. In the report with regard to the presentation to the States of the Road Traffic (No. 58) Regulations, the Deputy of St. Clement surmises that I was: “not keen to advertise my intentions at the time.” I do wish to assure Members that that is not the case. The report which accompanied the draft Regulations clearly stated that following the implementation of the Regulations, an amendment would be made to introduce a requirement to display a “30” sign on the rear of relevant vehicles and there was

indeed a further reference to the intended requirement for signs in the section headed: "Financial Implications." As the report was only about half a page in total, summarising the effect of 8 Regulations, I did consider that reference was given an appropriate level of significance. The Road Traffic Regulations altered the categories - this is the No. 58 (Jersey) Regulations 2007 - of vehicles subject to an all Island 30 miles an hour speed limit. Previously, it applied to any vehicle of unladen weight more than 2.5 tons or a vehicle drawing a trailer, but it now applies to large and medium goods vehicles over 3.5 tons laden weight; large passenger-carrying vehicles and vehicles drawing trailers as previously. This means that those categories are consistent with driving licence categories, while previously they had not been; goods vehicles, categorised by laden, rather than unladen weight, and a different category of driving licence is required to drive goods vehicles over 3.5 tons. Therefore, the intention to change the category and introduce a requirement for those vehicles to display a 30 miles an hour sign was part of the proposals for revised speed limits policy put to the States by the previous Environment and Public Services Committee, and that policy was debated and approved by the Assembly in March 2005. Although it is the case that the requirement to display the sign was not mentioned in the proposition, it was mentioned in the accompanying report. Prior to the finalisation of the policy, the then Committee of the day had carried out public consultations on its proposals, including an advert in the *Jersey Evening Post*, which mentioned the intended requirement for a 30 miles an hour sign and no adverse comment was received at that time. Now, I am sure it is clear to Members that speeding vehicles, particularly large ones, have been identified as a major concern for the public of the Island. Surveys consistently find that when asked what issue they would want the police to tackle, the majority of people say speeding. Large vehicles are generally less manoeuvrable and leave less space for other road users, especially pedestrians, and it is therefore sensible to limit them to a lower speed, and the requirement to display a sign will improve the public's awareness of the provision, both for drivers of the restricted vehicles, clearly for drivers following them and other road users. The Transport and Technical Services Department invited haulage firms and goods vehicles suppliers in the Island to a meeting in November last year, at which the requirements were explained. The department distributed leaflets advising of the new requirements to haulage companies, local garages and the Parish Halls. A press release was issued; formal notices in accordance with legal requirements were published in *The Gazette* and the issue also received media coverage when debated in the States in October. So I see no serious claim here to suggest that either myself or the department introduced this measure by stealth. I do understand the Deputy's concern that a fine of £5,000 would seem high in relation to an offence of failing to display a 30 miles an hour sign on a vehicle, but of course, that is the maximum value which a person could be liable to for the use of a goods vehicle which does not comply. Although I am not responsible for the policing, I have to say I would expect that our local authorities would take a sensible approach, and frankly, the likelihood of a maximum value fine being imposed in relation to this particular matter I think would be extremely low indeed. While not wishing to pass the blame, Sir, I did inherit this particular proposal from my predecessors, but I do consider it an entirely appropriate measure which can only assist effort to see the numbers of injuries on our roads reduced. I do urge the House to reject the Deputy's proposition, but of course, it is a matter for Members to consider and I will abide by whichever decision the Assembly comes to.

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

I consider it the most appropriate date of the year for the Minister to attempt to defend his Ministerial decision. This Order to instruct heavy goods vehicle owners and owners of trailered vehicles to attach 30 miles an hour stickers to their vehicles is a bureaucratic nonsense. It is just unnecessary government involvement in people's daily lives. These 30 miles an hour stickers will in no way help reduce speed of heavy goods vehicles or trailered vehicles, and if they could, why then does the Minister not bring forward an amendment to the Road Traffic Law that insists that we stick 40 miles an hour stickers on cars, because they would surely, for the same reason as he claims can restrict the vehicle speed of 30 miles an hour vehicles, restrict the speed of cars. So this is a



nonsense. This is the tail wagging the dog; it is shameful, really, that the Minister should be trying to defend this. I suspect I get the mood of the House in the sense that I think Deputy Baudains' amendment will succeed and I urge Members to ensure that it succeeds emphatically.

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

I concur completely with the last speaker. I do not like speaking against my fellow Minister, but let me say, Sir, one has had quite a lot of experience with D.V.S. (Driver and Vehicle Standards) over the last few years. It is my view, Sir, that D.V.S. would be far better employed in amending the legislation to user-friendly legislation for the Jersey public. Just look outside this Island in the U.K., in Europe, where one can buy fuel-friendly, eco-friendly vehicles, very small vehicles; you can buy them new and register them in Europe; you can register them in the U.K., but try and do one of those in Jersey. You are just refused because of legislation: "We cannot do this, we cannot do that." It is a "cannot do" attitude in the D.V.S. Department, I am afraid to say that. Too much time is spent by this department creating unfriendly, bureaucratic legislation, which is most unhelpful to users. It was only last week or the week before I registered a minibus with D.V.S. - a second-hand one - and just to give you some idea, I went down with all the insurance papers, everything, and I was asked at the desk to show my licence, and I tried to explain: "What does showing my licence have to do about registering a vehicle?" "No, that is what we require" the lady said. Well, I said, "I do not have my licence with me, and I would like to see the legislation." The lady trots off, comes back, she did not know quite what to do: "No", she said "We need it." I said: "If I register my minibus under Happy Tours do you still need to see a driving licence?" "Oh no", she said "We cannot do it with that." Well, it is a nonsense, it really is a nonsense. This is bureaucracy; we are trying to release this bureaucracy. Now, many people who work and live in this Island would like to buy a small eco-friendly car, that if you go to see them in France, in all the showrooms in the U.K., I went with the Council of Ministers for a day last year to London, and they were in London, everywhere, and we cannot get any kind of sense out of the department.

### **The Deputy Bailiff:**

We are going to come back to the particular amendment.

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

I am going to come back, Sir. So I urge Members, we need to start trying to release some of this bureaucratic nightmare, where civil servants seem to be spending their time making-up legislation which is unfriendly for this Island, and I urge Members to support Deputy Baudains and get rid of this one, and let us start looking at other unfriendly legislation and make this Island a far better place for the people that live in it.

### **8.1.4 Deputy J.B. Fox:**

I concur with the last speaker that there is a lot of legislation that is due to be reviewed and must be reviewed in keeping up with proposals to have environmentally friendly vehicles, *et cetera* - motorcycles - but there is also a fact that the people that are policing, whether they be States police or Honorary Police or road traffic officers, know which vehicles should be travelling at 30 miles an hour or 40 miles an hour or whatever. I therefore would suggest to you that all the stickers are superfluous, as the people know their speeds. It is also a requirement of the Road Traffic Law and the Highway Code that every driver knows their vehicles, and rather, knows what the speed limits are for that particular vehicle, trailer, *et cetera*, and therefore I do not see the purpose of it. I also concede that if you are travelling abroad in other jurisdictions with this vehicle that it could cause for your vehicle to come to attention - by any confusion that would result as has already been indicated - and that I could see people taking-off the sign while they go abroad and putting it back on afterwards - it is almost like have our dipped headlights adjusting stickers - but I do not think that it is necessary for this, and therefore I would be supporting this proposition. Thank you, Sir.

### **8.1.5 The Deputy of St. John:**

I was just curious, and I know the Minister has already spoken, so you might not be able to answer this, but I am not aware of much consultation going on with this matter between his department and the police. It is an operational matter, so it may slip under my radar, but I am certainly not aware of a discussion that occurred, and I would be very interested to find out as to exactly what was said, if anything at all. As Senator Perchard was suggesting, I cannot quite understand how a 30 miles an hour sticker will improve road safety when you are behind the vehicle and there is a vehicle in front that is driving at the speed that may wish them not to. So I would be very interested to know what the evidence was from the police and Road Traffic Department to see whether this was really necessary at all. So I find myself wanting to support Deputy Baudains here, because it does appear to me to be totally unnecessary, bureaucratic red tape, which we are told we should be stamping-out, and I am glad that Jersey does not suffer from as much red tape as some of our European countries and neighbours do; contrary to what Senator Le Main was saying, I am afraid Europe is a bastion for bureaucracy. I certainly do not want to see us following that. I think we are a long way from that at the moment. However, this seems totally unnecessary, a load of red tape gone mad, and unless there is a really good reason, policing reason that I do not know about, I really would like to support Deputy Baudains. Thank you, Sir.

**The Deputy Bailiff:**

Does any other Member wish to speak? Very well, I call upon Deputy Baudains to reply.

**8.1.6 Deputy G.C.L. Baudains:**

I thank Members who have contributed and obviously I am not going to address each one individually. The recurring theme is “unnecessary bureaucracy” and obviously it is only a few moments ago since I gave a comprehensive outline of the difficulties created by this seemingly innocuous Order, so I am not going to repeat that all again, Sir. But I would make one observation, if I may, and that is that there is a move towards making more legislative changes by Order than by Regulation and I think we now see it is something we need to be quite wary of, especially now they are made by one person, the Minister, instead of a group of people, as it was under the Committee system. This Order came into force on 1st January; people have had to comply with it. It is only now, 3 months later, that we are being able to overturn it, Sir. I suggest that perhaps all Orders should in future be subject to the 15-day rule that applies to property transactions. I did say, Sir, the Order has no advantages; many disadvantages. The suggestion it encourages safety I think has been shown to be rather elusive, Sir. I know U.K. research has shown excessive speed is the cause of 6 per cent of accidents, therefore if by some magical means this Order did reduce speed, it would make not very much difference at all. The idea that a 30 miles an hour sticker is going to increase safety, as Senator Perchard said: “In that case, why do we not put a 40 miles an hour sticker on the back of cars? It will make them stay at 40 miles an hour.” The ridiculousness of it, fire engines, ambulances having to carry a sticker, or even lorries, I mean, when did you last see a rubbish truck driving along so fast the rubbish was flying out the back? It simply does not happen, Sir. The impracticality of it, trying to get a sign to stay there without being damaged, or as Deputy Fox has said, having to take them off perhaps when you go to France, I wonder if Members have noticed the shipyard has a heavy duty trailer for moving boats up to 12 tons. They have made a bracket to stick the “30” sticker on the chassis. I do not expect it will stay there after the first boat has been put on it. It really is bureaucracy gone mad. Commonsense was absent when this Order was dreamed-up. I urge Members to support the proposition and reject the Order, Sir.

**The Deputy Bailiff:**

The appel is asked for then in relation to the proposition, pour or contre proposition. I invite Members to return to their seats and the Greffier will open the voting.

<b>POUR: 36</b>	<b>CONTRE: 3</b>	<b>ABSTAIN: 0</b>
Senator L. Norman	Deputy J.J. Huet (H)	
Senator P.F. Routier	Deputy of Grouville	

Senator T.J. Le Main		Deputy G.W.J. de Faye (H)		
Senator B.E. Shenton				
Senator J.L. Perchard				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Clement				
Connétable of Trinity				
Connétable of St. Lawrence				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Saviour				
Deputy R.C. Duhamel (S)				
Deputy A. Breckon (S)				
Deputy of St. Martin				
Deputy G.C.L. Baudains (C)				
Deputy P.N. Troy (B)				
Deputy R.G. Le Hérisssier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy S.C. Ferguson (B)				
Deputy of St. Ouen				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy D.W. Mezbourian (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy A.J.D. Maclean (H)				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy I.J. Gorst (C)				
Deputy of St. Mary				

## **9. Draft Political Parties (Registration) (Jersey) Law 200- (P.25/2008)**

### **The Deputy Bailiff:**

We come next to the Draft Political Parties (Registration) (Jersey) Law 200- - Projet 25 - lodged by the Privileges and Procedures Committee. I will ask the Greffier to read the citation.

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

The Draft Political Parties (Registration) (Jersey) Law 200-: a Law to provide for the registration of political parties who wish to endorse candidates for election as a Senator, Deputy or Connétable and for elective purposes. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

### **9.1 Connétable D.F. Gray of St. Clement (Chairman, Privileges and Procedures Committee):**

This Law gives effect to the decision of the States taking on an in principle proposition P.73/2007, adopted on 16th July 2007 by 37 votes to 10. This Law does not represent a full system of mandatory registration for political parties, therefore the only one significant purpose, which is to allow any political party in Jersey that wishes to do so to register so that the party's name can appear on the ballot paper, alongside the name of the candidate. There is no requirement for any

political grouping, whether or not it calls itself a party to register under this Law. If a political party does not wish to register, there is no consequence, although it would not be able to avail itself of the ability to request the insertion of a party name on the ballot paper. The system of regulation proposed by this Law mirrors the in principle decision taken by the States. The provisions of the Law are hopefully self-explanatory. I therefore propose the principles.

**The Deputy Bailiff:**

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles of the Bill? No Member wishes to speak? Very well, all those in favour of adopting the principles, kindly show; those against. The principles are adopted. This is a matter which falls within the responsibility of the Corporate Services Panel. Connétable of Trinity? No. Very well, so then we come to the individual articles. How do you wish to propose them, Chairman? Very well, so you propose Articles 1 to 15. Seconded? **[Seconded]** Does any Member wish to speak on any of the individual articles? Deputy Le Hérissier?

**9.1.1 Deputy R.G. Le Hérissier:**

Under Article 4(4), would the Chairman elaborate to the House the procedure by which the signatures of the 20 persons will be verified?

**9.1.2 The Deputy of St. John:**

I may have missed this, but I just wondered if the Chairman could also advise, I know they can put their name on the ballot paper - the name of the party - but will they be permitted to put their logo, if they have such a thing, Sir?

**The Deputy Bailiff:**

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

**The Connétable of St. Clement:**

I did not quite understand the Deputy of St. John's question, Sir.

**The Deputy Bailiff:**

He asked whether they would be able to put the logo on the ballot paper as well as the name. Yes, Chairman, would you like to reply?

**9.1.3 The Connétable of St. Clement:**

As far as Article 4 is concerned - the people signing - the 20 signatures will have to be electors, so they will be checked against the electoral registers that they are electors, and there is no provision for a logo to appear.

**The Deputy Bailiff:**

Very well, all those in favour of adopting Articles 1 to 15, kindly show; those against. Articles 1 to 15 are adopted. Do you propose the Bill in Third Reading, Chairman? Seconded? **[Seconded]** Does any Member wish to speak in Third Reading? All those in favour of adopting the Bill in Third Reading, kindly show; those against. The Bill is adopted in Third Reading.

**10. Draft Proceeds of Crime (Supervisory Bodies) (Jersey) Law 200- (P.29/2008)**

**The Deputy Bailiff:**

We come now the Draft Proceeds of Crime (Supervisory Bodies) (Jersey) Law 200- - Projet 29 - lodged by the Minister for Economic Development and I will ask the Greffier to read the citation.

**The Greffier of the States:**

The Draft Proceeds of Crime (Supervisory Bodies) (Jersey) Law 200-: in order to make provision for the supervision and compliance by certain businesses with anti-money laundering and anti-terrorist financing requirements. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

**10.1 Connétable G.W.J. Fisher of St. Lawrence (Assistant Minister for Economic Development):**

I request that we defer consideration of this item until the end of the current sitting, because the Minister was going to deal with this item and he unfortunately, as you know, has been delayed in the U.K. because his flight has been cancelled and he is unable to return to the Island at this moment. I do not know which airline it is, but anyway, he is unable to return at the moment, and has let us know accordingly. I am seeking advice from officers in the department, but I am not at this moment in time ready to take this item.

**The Deputy Bailiff:**

Well, does the Assembly agree then that this matter should be deferred until the last item of Public Business?

**The Connétable of St. Lawrence:**

I thank the Assembly.

**11. Rezoning of Sites in the Green and Countryside Zones and Island Plan Review (P.33/2008)**

**The Deputy Bailiff:**

So then we come to the Rezoning of Sites in the Green and Countryside Zones and Island Plan Review - Projet 33 - lodged by the Deputy of Grouville. Projet 31 has been deferred, as Members were informed by e-mail, as I understand it.

**Senator T.A. Le Sueur:**

Maybe I should make it clear at the start of the session, but because Projet 31 related to an Appointed Day Act, it struck me and the Greffier that it would be more appropriate to debate the Appointed Day before we began going into the detail of vehicle emission duty, so on that basis, I would propose to the Deputy of St. Ouen, who is also bringing that amendment, that we should wait until after the Appointed Day Act of G.S.T. (Goods and Services Tax) has been debated and then go and deal with the issue. Therefore, I would put that to the end of the agenda.

**The Deputy Bailiff:**

Yes. Sorry, I am not following you, Projet...?

**Deputy S. Power:**

There appears to be some confusion on the Order Paper.

**The Deputy Bailiff:**

So projet 31 is to be dealt with at the end of Public Business, so the next item is as shown on the Consolidated Order Paper, projet 33, Rezoning of Sites in the Green and Countryside Zones and Island Plan Review, lodged by the Deputy of Grouville, and I will ask the Greffier not to read the proposition if Members agree to take it as read, because it is extremely long. Are Members happy to take the proposition as read? It is not that long, Greffier. No, I think it is not that long. I think that one should be read.

**The Greffier of the States:**

The States are asked to decide whether they are of opinion: (a) to request the Minister for Planning and Environment to suspend all proposals for the rezoning of green field sites in the Green and Countryside Zones for development purposes until the review of the Island Plan is completed; (b) to request the Ministers for Housing and for Planning and Environment to ensure that no commitments or indications of Ministerial or departmental support for individual applications for rezoning are expressed until the revised Island Plan is approved by the States; (c) to request the Minister for Housing, in co-operation with the 12 Parish Connétables and other stakeholders to develop and establish as a policy a rational and consistent criteria for determining admissibility to waiting lists for housing on rezoned land; (d) to request the Minister for Planning and Environment: (i) to prioritise the Island Plan review process so as to minimise delay in bringing it forward for full public consultation and eventual States debate; (ii) to ensure that consultation on the Island Plan review takes the form of a Green Paper, presenting the people of the Island and States Members with a full range of options from which to choose, with the options included taken fully into account in bringing into the public domain all available information relevant to the planning process; (iii) to include within the Island Plan review process a managed exit strategy for the glasshouse industry of Jersey so that redundant or derelict glasshouses are removed and the sites restored to open land or, where appropriate, rezoned for housing; (e) to request the Minister for Planning and Environment to bring forward a policy that requires planning applications of over a certain size to provide a percentage of their build for social need, whether that be social rented, first-time buyer, retirement, sheltered housing or a mix, whichever is most appropriate for the site.

**Deputy P.N. Troy:**

Can I say that, as a builder/developer, Sir, I would like to excuse myself from this debate.

**The Deputy Bailiff:**

Very well, thank you, Deputy.

**11.1.1 The Deputy of Grouville:**

All Members of this Assembly would surely sign-up to the concept of effective, joined-up government, the process of undertaking public administration in a way that is cohesive and non-contradictory, yet the States are currently undertaking 2 parallel rezoning exercises, the first which utterly compromises the second. The first exercise is the rushed rezoning of 60 vergées of land for supposedly urgent housing needs; and the second is the fundamental rewriting of the Island Plan, the master document by which we shape our built and natural environment. It is for this reason that I ask Members to support my proposition, and may I say from the outset that I recognise that there may be a need for more homes to be built in Jersey, and I recognise that there may be a need for homes designed for certain people in our community, but what I also recognise is that we live in a small island with a finite amount of space and when accommodation is built it has to be planned carefully, it has to be well thought out and targeted to local people in our society. Hence my utter dismay at the 65 units of so-called self-catering accommodation built on the Island site, while at the same time being told there is an urgent need for certain types of local housing. Since the initial declaration of the Minister for Housing that the countryside is going to be targeted for this apparent urgent need, I have read various documents and attended meetings on the issue. At the same time as this unscheduled review to target and rezone 60 vergées, I have also been attending various meetings and discussion groups for the scheduled Island Plan review. The Island Plan is the root and branch review which is currently under way. It will be comprehensive, extensive and it is scheduled, and should therefore have the support and active contribution of every one of us. It takes many factors into account, hard census data should have been one of them, but at this time, sample statistics may have to do. But the Island Plan review is the document which should shape provision for the Island's housing needs into the foreseeable future. However, we now have this somewhat rushed, haphazard and piecemeal sort of review taking place at the same time, proposals to rezone 60 vergées of agricultural land, no less, in a way which is entirely outside of the Island

Plan review. It has confused aims, relies on old data and only makes provision for certain housing needs on certain parcels of land in the countryside, and the countryside is being targeted as the first port of call. We are told there is an urgent need for these homes, which may be the case, but where did this urgent need come from? Why was it not foreseen? Could it come from Housing's own policies to sell-off their stock and thus put pressure on people who cannot afford to buy the homes they live in? If reliable measures are in place, we should not have a sudden urgent need. This is bad, incohesive planning and to remedy this, we are going to target the countryside as the first port of call, so yet more bad, incohesive planning. The Planning Department has relied on 4 year-old figures taken from the Housing Needs Survey undertaken in 2004 to make their assumptions and claims, yet figures were based on estimates and indicators which are being passed off as key facts. It is unknown if the statistics used by the Housing Department for this urgent need include the people held on the Constables' waiting lists, but it is known that each of the Parishes have their own criteria for putting parishioners on the waiting lists and in some Parishes, there is no criteria at all. It is unestablished if it is a need or a want; even in the excellent presentation given by the Statistics Unit last week, they admitted they could not fully verify the difference. Some people on waiting lists I have knowledge of are individuals who have sold large family homes and would now like a smaller, more convenient house. This is entirely reasonable. I do not criticise them at all, but I do question if this constitutes a need, and an urgent one at that. I also question if it should be up to the Parish or States to house them. There are also mixed and confusing aims in the rezoning consultation document. It is difficult to establish if the need is for life-long homes, sheltered homes, retirement homes or individuals who merely just want to downsize in order to liquidate their assets. There are mixed and confusing messages coming from Government too. Out of 450 new homes proposed in this rezoning document, 345 are for retirement homes for the over 55s. With an aging population there is a growing assumption that people will have to work longer, yet the message being given by Housing is that when you hit 55, you can be accommodated in a readymade house in the countryside. The Strategic Plan document in 4.7 wanted to develop a new Island Plan last year, and I quote: "That a new Island Plan review that meets the Island's social, economic and environmental aspirations indicated by a low number of departures from the Island Plan would be carried out during 2006 and 2007." So where is it? One of the statistically strongest messages I believe to come out of Imagine Jersey was the preservation of green field sites, then this morning, when the Chief Minister was answering a question of mine, he claimed he was "heartened" with the amount of brown field sites that there were available. All the way along, there are mixed messages, old data, confusion and unrealistic expectations. I am not the only one with these reservations, as not only the Scrutiny Report confirmed much of what I was thinking, but organisations like the National Trust of Jersey, Jersey Milk Marketing Board, Jersey Royal, the R.J.A.&H.S. (Royal Jersey Agricultural and Horticultural Society), the Jersey Farmers Union, Jersey Heritage Trust, Durrell, and the Société Jersiaise - known collectively as the Rural Alliance - all have serious concerns about this rushed, un-evidenced based rezoning review taking place over and above the Island Plan review. There is another aspect to building over our countryside that I do not believe has even been touched upon, let alone considered in the rezoning review, and what I am about to say may be dismissed as futuristic rubbish, but I am going to say it anyway. I appreciate that the price of oil will not be something that Members consider very often, possibly only when filling-up their central heating oil tanks, but oil hit 108 dollars a barrel last week. We have been cushioned with the effect of this because the sterling/dollar exchange rates have been so good. But while there will be fluctuations, the trend will be that it keeps on rising. There is therefore, going to be a shortage of cheap oil, and transporting goods to the Island is going to become a lot more expensive. Suddenly, our agricultural land and home-grown crops will become relevant to us again. So, even if the romantic arguments of keeping Jersey green and pleasant do not do it for some, the economic and strategic arguments for local food production should at least be considered. Unfortunately, they are not even on the radar screen, which is why I could not take the Imagine Jersey 2035 seriously. It wanted us to imagine Jersey and all our circumstances being exactly as they are today. Well, they will not be. We need to stop being so insular and start seeing the bigger

picture because in the future we may very well need to be more self-sustaining, providing more of our own food and we will need land to do that on. So, if we have got to concrete any good arable land, let us at least be sure that it is our only option. The Rural Economy Strategy Group produced a paper last week about the commercial viability of the land and the rezoned consultation document and highlighted the long-term need for the agricultural industry. It concludes that many of the sites identified in the document are fields that have good access, good drainage and are easily worked with modern machinery. They produce a wide range of crops including early potatoes in some cases and are therefore, commercially viable. They are very concerned at the loss of all this arable land. Given the announcement made by Economic Development this morning, I hope they will be taking these concerns seriously. Part (a) of my proposition is asking the Minister for Planning and Environment to suspend all proposals for the rezoning of green field sites in the Green and Countryside zones for development purposes until the review of the Island Plan. If urgent need is established, then we must focus the Planning Department's resources and manpower away from this chaotic rezoning review and concentrate all efforts in bringing a comprehensive Island Plan review forward as was indicated in the Strategic Plan, which many Ministers and Members signed up to. Part (b) of the proposition is of similar effect. It asks the Ministers for Planning and Environment and Housing to neither support nor progress rezoning proposals or to offer any such proposal support until the new Island Plan is approved by the States. Putting land up for discussion and consideration is not the same as supporting it, as the Minister for Planning and Environment has alluded to in his comments. This is an important point. I should like to make it clear as well that if my proposition is carried, yet a certain need for facilities is proven and a particular site identified - for example, Fields 516, 517, 518 in St. Saviour - there would be nothing to stop the Constable of that Parish or indeed the Minister for Planning and Environment, coming forward to the States with a rezoning proposition for that particular piece of land. Part (c) asks the Minister for Housing, in co-operation with the 12 Constables and other relevant stake holders, to develop a consistent, rational set of criteria and definitions, which will be used across the Island in determining the admission of people on to the waiting list for housing. It surely should not be the case that anyone of a certain age who fancies a home in the countryside can put their name on the list to see what happens. Or worse, the list is established, the figures used as part of the urgent needs statistics and then the criterion is worked out in order to rezone the land. I accept there may be a need for variation and flexibility to this to meet the needs of the day, but there has got to be the framework and the rational and consistent overall policy. Part (d) of the proposition is in 3 parts. Again, I ask that the Island Plan review be given priority before any dramatic rezoning proposals and that the full range of options take the form of a Green Paper with background information and be issued for public consultation. The third part of (d) requests that an agreed and effective exit strategy be produced for the glasshouse growers. There are many glasshouse sites Island-wide, which the rezoning document does not even consider; the owners of which have been waiting for a decision from Planning for 7 years now. Our glasshouse growers were given no assistance when competing with the subsidised European markets and today with oil prices as they are, they can no longer compete. I am not saying that all glasshouse sites should be built on; far from it. Many are situated in the heart of the countryside, which would be wholly inappropriate for any buildings of any description. They should be brought down and the land returned to its natural state. But there are a few sites or parts of sites, alongside main roads for instance, that could be considered for housing. But what I am saying is these sites should surely be considered before or at the same time as rezoning 60 vergées of the countryside. The Minister for Planning and Environment says in his comments that it is the, and I quote: "intention of his department to consider a policy framework for glasshouses." I say that glasshouse sites need to be considered as part of the Island Plan review. Part (e) of my proposition requests the Minister for Planning and Environment to bring forward a policy that requires planning applications of over a certain size to provide a percentage of their build for social need. Whether that be for social rented, first-time buyers, retirement, sheltered housing or a mix, whichever is the most appropriate for the site. Frankly, I am amazed that given our finite amount of space in Jersey that this policy was not developed years ago. Jersey and our



community have really lost out here. In some cases developers have been permitted to build huge amounts of housing of a certain type that maximises their own personal gain, without even being asked to contribute to community need. The planning obligations simply require that large developments provide a social component; often on-site but in some cases of commercial developments it does not have to be. This policy does not require huge amounts of department time and resources. It is not rocket science and the template for such a policy can be derived from the U.K. Department's planning website where section 106 of the Planning Obligations can be found, as such a requirement has been in place in the U.K. for years. This policy should be developed and implemented as a matter of urgency because the longer it is delayed the more this Island and our community lose out. In summary, if and when we have established a genuine, urgent need for homes then let us provide. But let us consider all of the options and then provide in a coherent, joined-up, responsible manner and our only means of doing that is through the comprehensive Island Plan review. Sir, I move the proposition.

**The Deputy Bailiff:**

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

**The Connétable of St. Ouen:**

Can I raise a point of clarification please? The Deputy in her speech said that a Connétable or the Minister for Planning and Environment could bring a rezoning proposition to the States. It is my understanding that only the Minister for Planning and Environment can do that. Is that correct?

**The Deputy Bailiff:**

I think legal advice was given to that effect by the Solicitor General, was it not? Is that right? Yes, I think that is right. I think the Connétable can only request the Minister to rezone the same way as anyone else.

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

Can I just inform Members, this is not a game. This is about real people in need. People, Sir, that have real, current issues at the moment; medical needs. Sir, it is about people who need homes. Yes, just like the Deputy of Grouville, myself and other Members enjoy; we have our homes. Sir, I have a certain sympathy for the Deputy of Grouville and what she is trying to achieve but let me just say, Sir, this Island Plan will not produce one home for 4 to 5 years; 4 to 5 years with a waiting list that the Housing Needs Survey is undoubtedly going to identify in 2 or 3 weeks time as a list of urgent need. Sir, you have only got to ask the Connétables of St. Mary, Trinity and Grouville. Only a little while ago, Sir, the Connétable of Grouville was questioning me on where are these people that need homes? Well, I am sure the Connétable of Grouville can answer for himself and I hope he will be standing up explaining the dire need that he finds himself in at the moment. Sir, this Island has a duty to make sure that the young and aged can share in the current prosperity that this Island enjoys. Sir, just when the Housing Needs Survey is about to be published, we get this Member jumping up with an opportunistic, ill-conceived and ill-timed proposition. Sir, it is only a proposition to delay and do nothing. It is to do nothing for the people that we have a duty to. The right and the need for decent, affordable homes to live in and raise their families and, in particular, to give a quality of life for those retirees who have the need for a home. As I say, Sir, many of us have got nice homes. The Deputy of Grouville lives in a multi-million-pound property overlooking the Bay of Grouville. Wonderful family property, wonderful. But there are hundreds of people...

**The Deputy Bailiff:**

Senator, that is not necessary to make that assumption. It is completely irrelevant to the debate and Standing Orders...

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

I will withdraw that, Sir, no problem. **[Approbation]** But I am trying to make the point that I have hundreds of people on my back on a daily... not on a daily basis but all the time people are coming to me with a desperate need of accommodation; for sheltered accommodation to meet their current and medical needs. Sir, I am confident that the Minister for Planning and Environment has his finger on the pulse on this, and the officers. Sir, I have never said, as mentioned by the proposer of this proposition, that I am going to blatantly rezone wholesale green, agricultural land. You only have to ask several Constables. Ask the Connétable of Grouville? I have had many approaches. I get many, many approaches and the approaches I get for land development in the countryside is either passed to the Connétables or passed to the Planning Department for consideration in the Island Plan. Members in St. Lawrence will know that I totally oppose the redevelopment of that open, green space at the Trent land for the simple reason we must not and we cannot just rezone anywhere, anyhow, without due consideration for the people who live in this Island. Sir, I have children and grandchildren and I want this Island to remain green and nice and good for them in the future. Sir, as I say, I have complete faith in the Minister for Planning and Environment in finding land to make a substantial contribution to the need we have within some of the sites as the Chief Minister has explained this morning. Yes, there are some brown field sites. Yes, there are one or 2 glasshouse nursery sites that are well able to assist us in providing homes for people. But it is important, Sir, that the Connétables be allowed to proceed with their report and proposition to rezone land for the people they need to regenerate their Parishes; to people that need homes in advance of an Island Plan. The Members of this House, Sir, have it in their hands. The moment the Connétables come forward with their land rezoning proposals put forward by the Planning Minister, then you have the opportunity, Members, of turning it down if you do not like. But please, do not close the door now and delay it until another 4 or 5 years. Please, that would be... we always say we never take decisions that are concreted in stone or cast in stone, but this is what we are doing today. We cannot do that. As I say, we need some opportunity now when the Housing Needs Survey comes out in 2 to 3 weeks time to be able to meet that need. Sir, many Members in this Assembly will still have parents, and aged parents. Only chatting to a Member this morning who has been looking after his mother and has been able to through his hard work, assist in trying to accommodate her ageing needs and her medical needs. There are many people, Sir, that are unable to receive help and assistance from their children. Sir, can I again remind you caring Members, the Housing Needs Survey results will be published this month. I have had a brief indication that they will show a real need. As I explain again, please remember if you vote for this ill-conceived proposition, in my view it will not allow us to come forward with any proposals, because the proposition is quite clear that any future land rezoning proposals in the countryside or otherwise would have to go into the Island Plan. Sir, I have to say that I am disappointed; the Deputy of Grouville has not even spoken to me about her proposal. She has not been to see me or my officers in regard to this proposition. I have to finally say that - and you are probably going to tell me off but I have to say it - I will just make a slight comment that I will not be put off by legal threats in regard to disclosing or otherwise that I find very strange that this Member's family is trying to develop land in the Green zone. All I will say is that I will not be put off by legal threats in mentioning that in the Assembly today. I find it very, very strange that we have the Member coming forward trying to stop it when there have been proposals to develop...

**Deputy R.G. Le Hérisier:**

Are we allowed to impugn the reputation of members in this fashion?

**The Deputy Bailiff:**

I have to say it was in such coded language I was not entirely sure I understood it, but I do not think you must do anything to impute the motives of another Member.

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

That is not imputing at all, Sir. It is fact. I am not going to impugn, it is fact.

**The Deputy of Grouville:**

When he talks like this he is...

**The Deputy Bailiff:**

One moment.

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

I have been threatened by legal action from the Data Protection Commissioner in regard to perhaps disclosing this today, and I feel it is my duty to advise Members of the case.

**Deputy G.P. Southern:**

Is the Minister saying he is breaking data protection rules?

**The Deputy Bailiff:**

No, I do not think that is what was...

**Deputy G.P. Southern:**

The second time in his career.

**The Deputy Bailiff:**

I think most Members here did not really understand what it was about and we probably better leave it there, but it was quite wrong.

**Deputy J.A. Martin:**

No, Sir. I am sorry, there was enough said to make... we understood what he was saying and I think, Members out there, he is absolutely slurring the Deputy of Grouville or some member of her family and I think he has already admitted he is breaking advice from our own Data Protection Officer. He cannot be allowed to get away with it, Sir.

**The Deputy Bailiff:**

Can I just speak to the Senator? The Standing Orders are quite clear; you are not allowed to impute the motives of fellow Members. You are not therefore, allowed to impute the motives of the Deputy of Grouville.

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

No I was not impugning the...

**The Deputy Bailiff:**

Very well. So, you do not impute the...

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

I will very happily withdraw that, Sir.

**The Deputy Bailiff:**

Very well. Thank you. No, that is enough, thank you. Now, is the adjournment proposed?

**LUNCHEON ADJOURNMENT PROPOSED**

**The Deputy Bailiff:**

Very well, the adjournment is proposed, we will reconvene at 2.15 p.m.

**LUNCHEON ADJOURNMENT**

**PUBLIC BUSINESS (continued)**

### **The Deputy Bailiff:**

Very well, we are debating P.33/2008; does any other Member wish to speak?

#### **11.1.3 Deputy J.B. Fox:**

Having being on the original Planning Committee at the time of the Island Plan, one recalls that in fact this is a living document and still is a living document, although there is obviously the necessity to update the existing Island Plan. The last one was some years later than what it was anticipated to be. But nevertheless, there are certain criteria that come with any Island Plan document and not least is the fact that changing residential demands within the Island obviously play a very important factor. The other aspects of it are that in the last week - and I do not have the document with me today; it is remiss, it is lying on my desk - there was a written question about the sites of A2, A3, A4 and 5, *et cetera* that are - here we are, we have got a copy here - which outline that predominantly the green sites are H3 running down. The H4 sites are the brown sites, the areas that have at some stage or at some time had a building site on it. I find this rather quirky strange because the first ones to be allocated are the green sites, and the second ones, the H4 sites are the brown sites. I would have suggested to you that in the thinking of the Island and the Islanders is that they clearly would like to see all the brown sites be built for our future housing needs first and then look at the green sites afterwards. But clearly, of course, what the difference is, is probably from one of the sites in my district, the Channel Television site. Originally that was for first-time buyer and social rented housing and that included the part of the Channel Television site which is deemed as a brown site and the fields behind - which is a huge field - which is a green site. At the moment that is all changed and the proposition that is being discussed and proposed is to build on the green site behind, but not having the brown site in front included within first-time buyers or any other social rented or sheltered housing. But to let the brown field site go to category B housing, which can be any open-market site if you like, but not necessary the ones that we need. So, there are a lot of contradictions in terms that need to be looked at. I can quite sympathise with the Deputy of Grouville requesting the Minister for Planning and Environment to suspend. It is a request; it is not a demand. That is in (a) and then we go on to (b), where the Housing Minister again looking at the revised Island Plan as approved by the States and that the request to ensure that no commitment or indications of Ministerial department support for individual applications shall be carried out during that time. Well, the problem that I perceive is that the next Island Plan, although it was in the Strategic Plan to be earlier, we are now talking about 2010, which is a long way off when it comes to planning terms. There are huge amounts of demands in the meantime. I think personally that any such green sites must come to the States and be discussed, though should they be brought up before the Island Plan that have not already been approved by planning, then I could understand that. So, my predicament is that to look at a proposition with so much information contained in different paragraphs; unless they are all for individual separation votes it makes it very difficult to vote yes for all when there are some clearly that are not that easy to separate out, and can have different meanings for different people. Going down to the question of the derelict glasshouses; well, when I was on Planning those years ago the removal of such glasshouses that were not suitable for further development, whether it be houses or any other, was £50,000 for each roughly in the general terms of each glasshouse. That of course is the reason why most farmers, horticulturists, *et cetera*, do not remove them. It is because of the cost factor. Obviously, if there is a planning advantage then of course they remove them. But there was a time when the industry was looking to exit from the glasshouse industry because of the market conditions at that time. But when they looked at the detail of what sites would be available for transposing into planning applications, they were in fact rather small compared with what they first thought of, mostly because the access to these sites were not suitable for any significant developments. As it happened, subsequently there was blight or some other infection hitting the tomato industry elsewhere in Europe. They had a particularly good year the following year but I gather that it is not so good again. So, I would ask the Deputy of Grouville that if she is looking at allowing these particular paragraphs to be broken down for separate proposals and considerations it would make it

a lot easier for people like me to be able to say: “Yes” to some but: “No” to others. If I am being asked for a proposition and it all comes under one thing, then the answer I am afraid will have to be: “No.” Thank you, Sir.

#### **11.1.4 Deputy J.J. Huet of St. Helier:**

Maybe we went wrong when we rezoned the last lot; we did not put a time limit on it. Because I do not know, I have got a suspicious mind and I think maybe if we had put a time limit on it - if not developed within 3 to 5 years - I reckon most of those sites would be under application to develop, but they are not. Why not? Because the price keeps going up. You know, Sir, if we owned an agricultural field and it was worth £50,000, the minute we got planning development on it it could be worth £5 million. In this House I have been asking for land development tax for between 5 and 10 years and I have been told: “It is coming. It is coming.” Well, it is like my maiden name of Christmas; Noel. Christmas is coming. Trouble is it never gets here. I have to state I am not willing now to vote any more land to be rezoned until we have this planning land tax. We have been waiting for it long enough. How much longer do we have to wait?

#### **11.1.5 The Deputy of Trinity:**

In 2002 this House passed the Island Plan and part of that plan included 11 H2 sites for category A housing. These 11 sites are completed or nearing completion with the exception of 2, one of which was approved last week by the Planning Applications Panel. The other site did come to the Panel but was deferred for more information. The last site in St. Lawrence, as you saw as the result of a question by the Connétable of St. John, the owner is unwilling to develop that site. So, that is it. Nothing more that was rezoned is awaiting approval or going through the planning process. If this proposition is passed, the people who are desperately in need of homes will have to wait a minimum of another 4 years. Do we want to be part of their disappointment? Sir, I hear States Members saying: “Well, what are the H3 sites?” Again, I quote from the response that the Minister gave at the last sitting: “These sites were identified in the Island Plan for consideration.” Only one of these sites has been developed for category A housing and that was with this Assembly's approval. Some of those sites have been included in the consultation paper just completed on the rezoning of retirement homes and the first-time buyers. But some of those H3 sites have since been identified as unsuitable for development following the analysis of the site. Those sites were mostly last minute amendments to the Island Plan in 2002. Of the H4 sites identified in the Island Plan as potential category A housing, all of them are in St. Helier. They too have been taken in context as not all of those sites are available for development in the immediate future for many different reasons, such as the States building at South Hill, Le Bas Centre, *et cetera*. To make it very clear to Members, all the sites in the category H3 and H4, which may be rezoned to meet the needs, require further assessment of each site's potential yield, *et cetera*. Within the new Planning and Building (Jersey) Law any rezoning of land has to go out to public consultation first, prior to report and proposition being lodged and a full States debate. By law this has to be brought to this House by the Minister for Planning and Environment but it is this Assembly which has to decide. The Minister for Planning and Environment does have within his power the ability to grant permission outside of the Island Plan if he can justify it. But I think that is probably a very high political choice. So, Sir, that is the background as to where we are today with the H2, 3 and 4 sites. The Deputy of Grouville asks this House to suspend all rezoning for development purposes until the Island Plan review is completed. This review is not a quick report. It is being prepared at present and as stated in the comments to this proposal, the time scale unfortunately is out of date. As part of this review, important pieces of research have to be undertaken and fed into the report. This Island Plan review covers such areas as spatial strategy, countryside policy, which will include having a full greenhouse policy, urban areas, housing, economy, tourism, retail *et cetera*, travel, transport, natural resources and recreation. It is very wide-reaching. The Deputy also asks if this can be brought forward. Yes, it can. But the review will be incomplete, relying on out-of-date information. Is that what this House would wish to debate and consider? I think this House would

quite rightly send it back. With this review there are 2 important differences since the last Plan in 2002. It will be going out to full public consultation; more thorough than the Parish road shows we had last time. It will be more evidence-based and at the end of the consultation period it will be put forward by an independent planning inspector, who will come over from the U.K. The Minister and I do see that the Island Plan review is very important, not only for the policies, but for the long-term planning of all our Island needs. It cannot be rushed. The issues are diverse and complex and it takes time, as you see in the comments, with the revised Plan timetable. This is without unforeseen hitches, and Scrutiny also needs to be included in this too. We are all aware that we are an ageing population, not only living longer but, pleased to say, much healthier. As we are fitter I think we all wish to remain in our homes, albeit that we may wish to downsize. But with this in mind we must plan for the future. In the *Planning for Homes Report* published in November 2006, it was noted that due to an ageing population there will be a significant increase in demand for retirement accommodation from 2010 onwards, and the need was to plan now. That was in November 2006. The issue of need in these homes is not going to go away. It is not going to reduce, you see; it is going to increase. So, you see the rezoning proposition, Sir, is looking at this immediate need. Without any remedial action, there will be more and more retired people with reduced incomes owning and occupying larger family homes not suited to their needs, which could result in overheads that are beyond their financial means. An interesting point is that an estimated 125 3-bedroomed houses could be released into the market as the result of downsizing and we know that there is an urgent need for 3-bedroomed homes and for first-time buyers. This urgent need for retirement homes is identified by 8 Parish Constables. So much so that 3 Connétables have already been to their relevant Parish Assemblies and had the full support. Waiting until 2012 - some 4 years plus - is too long and that is why the rezoning in the interim will enable the continuity of the provision of homes. It is that continuity that is so important. This urgent need was identified with Connétables who know their Parish extremely well. The key facts that come out of the 2005 Housing Needs Survey showed that there is a need for 250 life-long homes before 2009 and that there was a notable shortfall in the current provision of elderly persons' accommodation. The public response to the consultation paper that we have just completed was extremely good. We have had 4 public meetings with approximately 300 to 350 people attending those meetings, one presentation to States Members, a total of 86 written responses, contact from 13 interest groups and political responses. We will listen to the results; they are being formulated at present. But not all the sites put out to consultation will be brought forward for report and proposition for rezoning. To me that is the whole point of consultation, is that we do listen. At all of the public meetings I stressed and I will confirm that any report and proposition for this urgent need for rezoning will not be lodged until the Housing Needs Survey is published. As you are all well aware, this survey was commissioned by the Statistics Unit. It was sent out to 10,000 homes including States tenants and the unit had a response rate of 56 per cent. It was a voluntary postal survey and the response rate obviously was high. The usual response rate in the U.K. is 40 per cent; for Jersey it is 50 per cent. I reiterate, the response rate for that Housing Needs Survey was 56 per cent. The result being that we will have an up-to-date information on the housing needs of Islanders for the next 5 years. This includes older persons' accommodation; the size of unit that they wish to occupy, whether they wish to stay in their own Parish, move to town, need a garden and so on. It will show the supply of the houses needed and this will include those people who may wish to leave the Island. The demand will include young people living at home who will wish to move into their own home, or those wishing to move into a larger house. It will also include very important information on those who wish to move into a retirement home if one was available. It has been mentioned about the use of older persons, retirement home, life-long, sheltered: There is a very subtle difference but a very important one. We have all the way through classed it as retirement homes, life-long retirement homes. As you see, this survey is very thorough and the results of which will be fed into the Island Plan review. I stress again that any reports and proposition on urgent need for rezoning will not be lodged until the survey is published. The date for that is 30th April - 29 days away. Once the report and proposition is lodged - if we get that far -

it will be up to this Assembly to decide which sites will be approved. For those of us who attended Imagine Jersey 2035 in January, and last Friday with the young people, they will know that there are some strongly expressed views that we will need to listen to. Along with the Minister, I believe that there are significant rezoning opportunities in town and that a large number of homes can be created. However, any rezoning of the countryside should be considered in exceptional circumstances and one of which is in the context of maintaining our very strong, parochial way of life and also, very importantly, of the point of regenerating a small Parish. The sites that we put up for consultation was with that in mind and I need to repeat that; we need to look at maintaining our very strong, parochial way of life and regenerating the small Parish. The current proposals for retirement home and of first-time buyers is an exception because of the need of homes identified by the Parishes and the views expressed by the Housing Minister that there is an urgent demand. The reality of this proposition is that no new homes will be able to be developed on rezoned land until the Island Plan has been approved by this House; 2010, 2011. Then you can add an extra 2 years on top of that for the planning process to go through. So, you are talking of 2012, at the very earliest. Again, I stress to Members that any rezoning proposition will not be brought forward to this House until the Housing Needs Survey is published this month. It will be this Assembly to decide on any site they feel is appropriate for rezoning on its own merits. I urge Members to reject this proposition as the need for sites for retirement home is now. It is urgent. We cannot afford to wait until 2012 at the earliest. Thank you, Sir. **[Approbation]**

**Senator J.L. Perchard:**

Point of Clarification from the previous speaker. Sir, the previous speaker, the Assistant Minister for Planning made reference to this document regularly throughout her speech, the review to rezone for life-long retirement dwellings. Some of the fields highlighted in this document, Sir, are Green Zones, some are Countryside Zones, some are H4 sites. The Minister I think led me to believe that each and every one of these sites would be brought individually to the States if the Minister was seeking to develop them, as individuals,

**The Deputy of Trinity:**

Yes. As I just said this was a consultation paper. All the sites have to go out to consultation prior to any reports or proposition. We will listen to that consultation and the responses to the consultation are being compiled now and I said not all those sites probably will come forward. What will come forward, if this proposition is not approved today, are some of those sites, and it will be for this Assembly to decide on each individual site. The Members of this House will have the choice on each particular site.

**11.1.6 Deputy G.C.L. Baudains:**

I am not at present minded to support this proposition, for similar but not necessarily the same reasons as the previous speaker. Frankly, whether the Planning Minister brings a proposition to rezone land to this Assembly as a stand-alone, or as a proposition, or as part of a revised Island Plan, really makes little difference to me. I mean, naturally I am disappointed that the Island Plan review has been so delayed. We were supposed to get it last year. Now we are told it will be 2010 at the earliest. But that said, Sir, I will be more likely to make a better decision in 2010 than now. I cannot really see the logic. What I believe will happen though if the Deputy's proposition is successful, is that first-time-buyer homes will continue to rise in price until they are well over £500,000. They are pretty close at the moment. That will ensure our youngsters have to leave the Island because that sort of commitment will frankly be beyond the reach of practically all of them. But, as I say, being minded to oppose the proposition I do not share the concerns that the Deputy of Grouville has. Surely we have learned a lot since the debate of the 2002 Island Plan. The St. Clement issue has been ventilated many times and I am sure it is well understood by this Assembly. So, the problems we had as a result of that are unlikely to recur. Nothing, I believe is likely to slip through like it did before. Talking of St. Clement, my parishioners would not accept rezoning as it

happened in 2002 again anyway. Providing, Sir, any rezoning is supported by the parishioners, as I believe the Assistant Planning Minister has just said, providing it is supported by the parishioners in whose Parish that land lies, who are we to override them? I really do not see the logic of that. We know that sheltered housing is desperately needed and will be needed increasingly but it is held up by this type of argument even if parishioners want it. The Deputy of Grouville also in her opening speech argued that oil is at 108 dollars a barrel and rising. Yes, we are aware of that and it is an issue but it is also an issue in that it means that transporting building materials and building itself will cost more in the future. In other words, the longer we delay, the higher the price of building. Surely, it seems to me, Sir, the real issue is not one of zoning but of immigration. If we follow the Council of Ministers' growth policy we undoubtedly will be covering this Island in concrete, Sir. However, if we were to show restraint, our building requirements will be less, a lot less. I believe that is where we should be concentrating our efforts, not on creating delay. As I said earlier, Sir, the Island Plan review is already 3 years behind schedule. Inappropriate development would surely be rejected next month just as it would be in 2 or 3 years' time, so surely the delay this proposition asks for will achieve little except to push house prices further through the roof, Sir, as if they are not high enough already. So, yes, certainly, we need to protect our Countryside Zone and especially our Green Zone but I do not believe this proposition achieves that.

#### **11.1.7 Connétable D.J. Murphy of Grouville:**

I would like to declare my interest straight away and that is that my Parish will be in receipt of a very magnificent gift of houses if we turn down this proposition. We have an application, which will be forwarded for 20 houses, of which 12 will be handed over to the Parish management for our own elderly people. This in fact doubles the amount of elderly accommodation we would have in the Parish and for which at the moment last week I had 14 applicants. This week I have got 16; 2 more came out to see me, they are elderly people with infirmities who desperately need ground for accommodation. I have not got any. We have not got any. I approached the Housing Minister; they have got very, very little. Long waiting lists everywhere for this sort of accommodation. We are being offered a wonderful, wonderful deal by our benefactor, Mr. Kirsch through his Charitable Trust. We are not backing a developer to make loads of money out of this; we are backing a benefactor who will help us and help the people of Grouville. I do not want to see that missed and we will miss it if this projet goes through. The whole thing at the moment seems to be a hammer to crack a nut. We have heard from the Assistant Minister for Planning and the Minister for Housing. There is absolutely no need to have an all encompassing block on every single proposal. It is ridiculous. We can have each one debated independently and I am sure that I can stand here and I am sure I can convince you that I have an extremely good case that Grouville should pass Field 148 for our elderly parishioners. I think something that has not been taken into account here today is the fact that the Constables have worked quite hard to put this thing together and during the course of it we have all found - not all - some of us have found benefactors. We have ours. I know that St. Saviour has a £4 million gift coming, St. Ouen has already had a gift; all towards these elderly homes because people realise the desperate need that we have for them now. I did not have this need 2 years ago. This is all part of the ageing population. It is catching up with us all the time. As I said, last week I had 14 people, this week I have got 16. Next week I do not know. All I know is that we have been running very hard to even stand still at the moment. I am not an exponent of building in the countryside. As the Deputy knows I have turned down and discouraged a lot more than I have encouraged. In each of my 3 election manifestos I have promised that I would advocate strongly the case for retirement homes so that people could stay in their homes to a much older age, stay healthy with their family around them and I believe that extremely strongly. So, I have no option, Sir, but to vote against this. Thank you.

#### **11.1.8 Deputy A. Breckon:**

Unlike Deputy Fox who is absent at the moment, I do not have any problem with the Deputy of Grouville's proposition because one thing runs through it and that is a reference to the Island Plan.



It is in paragraph (a), paragraph (b), (d)(i), (d)(ii) and (d)(iii). That is the thread that links it: what perhaps she - and perhaps we - should consider is whether we are doing something *ad hoc* or whether it would be better in an Island Planning context. Although there may be some delay, I heard the Minister for Housing before lunch and I was concerned because the way he was speaking, it was as if we were not building any homes whatsoever and that was a thread that the Deputy of Trinity - the Assistant Minister for Planning - also picked up. Well, if they would also like to pick up today's paper, you will see on the front that somebody is building homes somewhere else. I thought we were building homes on the Waterfront. Maybe we are not, we are just going to build offices and cafés and stuff, I do not know. The Rex Hotel, if you go past, you will see has been razed to the ground, presuming something is going to go in there where people can live. At Gloucester Street, something is rising from the ground. I think somebody is building something or another on Goose Green which somebody is going to live in presumably. What happened to the town regeneration? We were going to move offices, was there not supposed to be some plan about town regeneration? I would suggest to Members that it is easy to run to the countryside and I think the Constables here have been placed in a bit of an invidious position to find somewhere. I started off in terms of elderly housing - sheltered housing - for the over-55s. I should declare an interest there, Sir. I was not when this debate started but I am now. I think they have been placed in an invidious position. Let us go to the Constables, they are going to solve it: Parishes in different forms have done things over the years. It used to be, some will remember, on a pound for pound basis for funding, 4 per cent interest rates and things like that. Things were done. There were benefactors. This is not new. Somebody has not reinvented the wheel here. These things were happening and Parishes can demonstrate that. But if we look at the evidence - the base - what are we basing this on? The Minister for Housing has said: "Hundreds of people are coming to me, not today, but they are." Well a question that might be asked of him, Sir, is where are they living now? People must be living somewhere and have we therefore built the wrong type of accommodation that people can not live in if they have a particular problem.

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

Point of clarification please, Sir? Thank you for allowing me that. The current 366 waiting list - which has gone up again - for people in retirement requiring homes, the accommodation they have at the moment does not suit their medical or physical needs and they need mostly ground-floor and lift-served accommodation with special needs. The accommodation they have got at the moment cannot be converted and is unsuitable.

**Deputy A. Breckon:**

Therefore, Sir, again that is an issue that I do not doubt the Minister's word on whatsoever, but perhaps we have not examined this when we have been giving planning permission in the past about suitable accommodation for people to live in and that is perhaps an examination that we should have made. I did make reference at the start to the Island Plan and I was having a bit of tidy-up the other day and I did find a previous Island Plan. I browsed through it because the reason, I say, that is the information in this Island Plan and the predictions were based on census figures. It was produced in 1983, some 2 years after the census, but the things that were said in there seem to be applying now some 27 or 28 years later. I do not intend to read it all, Sir, but I would just like to quote a paragraph because I believe it is as relevant now as it was then. We have moved on a bit, although in my mind we are still doing the same things and that is the *ad hoc*, piecemeal things which this thing refers to. It says, Sir, that: "In its foreword to the brief and programme, which was approved by the Committee at the end of 1981, Senator Horsfall wrote, 'When Mr. W.H. Barrett presented his survey report to the Natural Beauties Committee in 1961 [some may remember that, not I] the population of the Island was about 63,000. He calculated that the immediate deficiency in the number of dwellings required to adequately house the number of people was 500 and that by 1981 an extra 1,700 homes would be needed. He expected the redevelopment in the town and building on the outskirts would provide some 800 new homes. The remaining sites should be

found mostly in or around the edge of the built-up areas, as would many of the new homes required by immigrants.’ Had this Island Plan of controlled expansion been carried out, the countryside of Jersey would have been preserved very much as it was in the middle sixties. In fact the Island entered a period of growth and prosperity which has resulted in an environment very different from that envisaged by the Members of the States when they approved the 1963 Island zoning map. Some 9,000 dwellings have been built over a period of 20 years. It is not long since the States decided that uncontrolled growth should be curbed and that the limit of the Island’s population must be set at 80,000. Coupled with this determination to define limits is a much greater appreciation of Jersey’s environment and the heritage which has affected the way the recent Island Development Committees have approached the problems of planning and development control.” This ends by saying: “We are determined that the main aim of the Plan should be that development of all kinds should serve the best interests of the Island and that the well-being of the whole community should come before short-term economic considerations.” I would suggest again, Sir, that is perhaps where we are right now. The other thing contained in here Sir, and it is based on a lot of factual information, on a profile of the Island’s population taken from the 1981 census. Of course, in 2006 we did not have a census and the Statistics Unit have said that they are basing some assumptions on better analysis of employment, the economy and other things, but we do not have this information. I would suggest, and again it is short-term expediency, and that is why I will be supporting the Deputy of Grouville because I think it is wrong to do something because, as with this, we will not be able to un-bundle it if it is the wrong decision. There are, I would suggest, homes being built out there by somebody even if they do not have a H2, a H3 or a H4 in front of them, somebody is building homes that Planning must be aware of. It might be a bit brave to suggest, but could they not put conditions on some of these that ensure that people can live in them for the rest of their lives. I do not think that would be rocket science, Sir. Perhaps some of the solutions are under their very noses. The Assistant Minister for Planning also mentioned the meetings, Sir, but I would not say the meetings were that enthusiastic. I did go to all 4: St. Clement were very keen to have sheltered housing, although they have their fair share of housing *per se* and development; and Grouville was penalty kicks with no goalkeeper because it was a gift and there was not a great deal of opposition because naturally there was no cost to the Parish and there was a benefactor, and I would think it was very positive for the Parish of Grouville. I am sure a lot of the other Connétables wish they were in a similar position where somebody would come forward to make it happen and put the guarantees in place. Those 2 meetings were probably the best attended. I am not sure, but there were nearly 400 at that and I did go to the final meeting as well, Sir. I know there were a lot of submissions, but some of that I would suggest was N.I.M.B.Y.ism (not in my backyard) as well and that probably came out with some of what Deputy Fox said. Also, Sir, I would suggest a great deal of emphasis has been put on the Housing Needs Survey and I did go to a meeting with the Statistics Unit and obviously they will adjust the weights because all States tenants were sent the questionnaire and I understand a high proportion were returned, so that obviously would affect the final outcome and will need to be weighted. Having said that, that is not a census and the question I asked when I went to the meeting the other day is what is housing demand and what is housing need? I might say I have never bought a house, I demand a 3-bedroom house in the country with a garden and a garage. The other question is; do I need one? The answer to that is probably no. So aspirations perhaps. This other scheme that has been floated by Planning about buying at reduced cost is perhaps another issue, but again, Sir, I would say it is related because what we are doing, I think, is we are considering things not in an all-round context but in a piecemeal way that at some time in the future I believe we could come to regret. Therefore, it is for those reasons that I think the Deputy of Grouville is to be commended for bringing this forward. I think it is good and healthy to have this debate. Planning do not have all the answers, they have acknowledged that. The Minister for Housing has a problem, I think we acknowledge that. We need to do something, it is not just a case of saying do nothing, we do need to do something but I think the Deputy of Grouville’s proposition deserves support today, Sir, in all its parts.

### **11.1.9 The Connétable of St. Ouen:**

Like the last speaker, I would like to congratulate the Deputy of Grouville on her proposition, which was very well presented. I have to say that I would agree with the majority of it. I see no problem with either (d) or (e). As far as (c) is concerned, the Minister for Housing can come to St. Ouen and meet my Homes for the Elderly Committee and try and tell them how to do their job and I am sure they will tell him where to put his policy. Where I really have a problem, is with (a) and (b) because (a) and (b), to me, are designed to delay. (a) says: "Suspend all proposals for rezoning." (b) says: "No commitments or indications until the revised Island Plan is approved by the States." That to me is a delay of a couple of years at least, maybe 3. When I came to the States, I came here without any degree qualifications, but I came here having run my own business for 40 years and the one thing that I learnt in life running my own business was that the one thing that was sure was I was going to make mistakes, which I did, and most of those mistakes cost me money. I think the biggest mistake I made in my farming life was putting off until tomorrow what I should have done today. Because putting off until tomorrow only means one thing, it means more expense. I am afraid that I cannot support this proposition because it means putting off what we should be getting on with. The Parish of St. Ouen, Sir, together with St. John, were the first 2 rural Parishes to build social housing, housing for the elderly of the Parish. I am quite proud of the fact that the Parish of St. Ouen has at the moment 40 units of housing, housing some 60 individuals. All those have either been born in the Parish or have a very long association with that Parish and that is the criteria which we look at when we are allocating homes. As the Connétable of Grouville indicated, the Parish of St. Ouen is extremely fortunate that a benefactor has come forward and offered to build another 20 homes which, once built, will become the property of the Parish. I am concerned that support for this proposition might delay that process. I have already spoken with the Minister for Planning and Environment and because of the very essence of sheltered housing, the housing that I am looking at, as it must be within walking distance of facilities, so it must be within walking distance of the main unit of the Parish Hall area where we have a doctor, we have a chemist, we have a hairdresser and we have a general store. The only field that I can identify in that area is Green Zone. I would be the first to stand up and second a proposition by the Deputy of Grouville to protect Green Zone. I have done so in the past in this House; I did so when the Island Plan was voted on. But on this particular occasion, I have a situation where I do have a need, I have got 30-odd people on my waiting list. All right, all of them are not essential for housing immediately, many have put their names on the list knowing that they may not be in a position to take up that home for 4 or 5 years, but I know for a fact that if we do get a commitment from this Chamber - because at the end of the day a rezoning will have to come through this Chamber - that it will probably take me that long before these people are offered a unit anyway. I am really concerned that this proposition will give us a delay which, at the end of the day, will cost us.

### **11.1.10 Connétable P.F.M. Hanning of St. Saviour:**

I must declare an interest. One particular site has already been mentioned and if it is developed will result in the gifting of well over £4 million worth of property to the Parish of St. Saviour - 30 units of housing for the elderly. In spite of that, the proposition appears tempting. We all want to keep green fields, we all want to keep the countryside, we all want to see development only on brown fields and old glasshouse sites, that is the ideal. But does the proposition change anything? No. Rezoning will still only be decided with the approval of this House. So what does it achieve? It may attempt to focus the minds, but it is only sure of achieving one thing - delay. If the Housing Needs Survey, published later this month, shows a need, why should we not start considering suitable sites at once? Why should we delay taking a decision for possibly 2 years or more? I am not suggesting the approval of the sites, only that they should not be stopped from being considered. If, in a month, a need is shown, and this proposition has been carried with the best of intentions, this House will be seen to have gone back to its old pre-Ministerial ways, put off a hard decision, find a way to examine a problem later on, delay, delay, delay. Moving house is a difficult and traumatic time. It is for anyone, and it gets harder as you get older. There will be people who

could move in 2 years' time, who will be unable or will find it much harder to move in 4 years. Does this cause a problem? The decision would be easier to justify because the numbers of elderly would have increased. It is, however, a problem for the elderly whose move has been delayed. The States will still have to make a decision whether to rezone each site or not. We either do it this year or in 2 or 3 years' time. The Deputy of Grouville has already indicated that there could be an extraordinary need for one of the sites in St. Saviour. I am grateful for that. However, this one site is nearly 50 per cent of the area of land that we are discussing. While I thank the Deputy, I feel she has just drawn a cart and horses through her proposition. Other Parishes have special cases. As I have said, at least let them be considered. The Island has a duty to ensure that it houses its elderly. The Parishes have a duty to the elderly. I, as a Connétable, have a duty to the elderly. This House has a duty to the elderly. We must carry out that duty, not in 3 or 4 or 5 years' time, but now. Sir, much as I would like to preserve green fields, I cannot support this proposition and the delay that it will result in.

#### **11.1.11 Senator M.E. Vibert:**

Can I start by commending the Constable of St. Saviour in what I thought was a very well-reasoned speech that put out and covered many of the areas as to why I cannot support this proposition. I think it is a proposition for today and I regret the timing of this debate because I think the States need to be as well informed as they can when having any debate and I think we would have been far better informed after the Housing Needs Survey which comes out at the end of this month, and I really do think the timing is radically wrong. We are being asked to make a decision when we would have much better information to make that decision in a mere 4 weeks' time. I have to make the decision today because the proposer has brought this forward for debate today and, because of that, I have to look at what people mean without all that information. I am sorry that Deputy Baudains of St. Clement is not in here because I was going to praise him as well for his speech, which I thought had some very good points in it. I think that one of the things we are being asked to do today is to put a blanket ban on any rezoning. No matter how good the proposition, no matter how much the need, just a blanket ban. A few years ago, Sir - many years ago now - there was considerable criticism of a decision made in this House to do with Regulation of Undertakings and Development and that was the Island was putting out the message it was closed for business. I believe if we approve this proposition, we will be putting out the message that we are closed to providing much needed homes for local people in the next few years, because we will not be able to even look at where we might be able to provide these homes. Referring to Deputy Baudains' speech, by putting that blanket ban, what we will be doing is inflating house prices and we will be restricting supply and we will be putting homes further out of the reach of those people that we would wish to have homes. I think that to call for a wait for the Island Plan for everything is somewhat misguided. I am sure Members will be pleased to know that I am not going to quote great tracts from a 25 year-old Island Plan, but what I will say is that any Island Plan is not infallible. It is not the Holy Grail that will solve all our problems. With the best will in the world, there will be changes needed to it as it develops. Changed circumstances will develop. Saying let us wait for the Island Plan for everything is not the answer. The Island Plan will not be infallible. I think one thing that I am very concerned about - and particularly with homes for the elderly - is this idea of freeing-up properties, particularly in the Parishes, for families. I do not want the Parishes to become enclaves for an ageing population with an unbalanced society, with very few young families in the Parishes. I believe the Parishes should remain thriving centres, based around the Parish Hall and the School, may I say as well. I want to see all our Parish primary schools thriving, with young people living in the Parish attending those schools. We all want to preserve Green Zone land in the countryside and it is, as the Connétable of St. Saviour said, very seductive to say: "Well, let us just sign up to that." But we are here to provide for our people. The Constables are here to provide for their parishioners. I do not think anything is achieved by just delaying for 2 to 3 years, looking at how we are going to achieve that. If we approve this proposition, as I understand it, we will be unable to come forward with any rezoning proposals, no matter how suitable, no

matter how needed. I do not believe that is good government. I do not believe the States should tie their hands and future States hands in this issue. I believe we should have confidence in the States to decide rezoning proposals on their individual merits, and they will come forward as individual rezoning proposals. If we do not think a rezoning proposal is right, we will turn it down. If we do think a rezoning proposal is right, we will approve it, but I think that, as always, there will be a presumption against development in the Green Zone or the Countryside and there will have to be overriding reasons, as we have heard from the Constables, as to why we should make an exception. I believe it is better to treat these things on their own merits as individual propositions. I believe that all we will be doing, as the Constable of St. Saviour said, is a recipe for delay for 2 or 3 years and then we will have a lot more catching up to do if we put in a blanket ban and I feel no case is being made for that blanket ban and I will be opposing the proposition.

#### **11.1.12 Connétable J.L.S. Gallichan of Trinity:**

The Deputy of Grouville says we are rushing into things. Can I just point out to the Assembly that 2 years ago this month, I held a Parish Assembly at Trinity to extend the retirement homes in Field 818 which had been, to my belief, rezoned by the former Connétable, Roy Cabot. We had a Parish meeting with good attendance, I intimated that I would like to fill the south of this field with a further 10 - we have 10 at the moment. Not to go over the top, but a further 10 for the requirement of the older generation of the Parish. Fine. Everyone agreed, wholehearted support. The problem was that when I approached Planning I realised that only half of the field had been rezoned by the former Connétable. The south side of the field was not rezoned so, after talking to the Minister and asking what was the way forward, he said: "Talk to the planners. I am sure there is no problem, it will be just a formality." Fine, but of course then we have to go out to consultation - and I have no problem with that of course - and then all of a sudden up pops this proposition which will basically stop all rezoning of land. Now, unless the Deputy of Grouville has not been to Trinity recently, all I have in Trinity is Green Zone. I am sure she would agree with me that we have a fantastic school and there are vacancies for children. I was there the other day, it is wonderful, but how on earth do we keep the Parish system going with Honorary Police, schools and other community things - we have a youth club in Trinity, we have a wonderful senior citizens' club - I am not going to keep going on about Trinity because I think it is the best Parish anyway - but if we go with this proposition, this will stop it for another 3 years. We have been out to consultation and surely the way forward is to bring it back to the House, take each case on what the Constable can support. If I cannot put a case for my Parish to have retirement homes and first-time buyers, vote it down. That is the easiest way forward. To do this now, after all the consultation that we have been through, for goodness sake. The majority of my old people will have a home, but it will not be in a house, it will be somewhere in the graveyard.

#### **11.1.13 Deputy J.A. Martin:**

Perhaps the Constable of Trinity could remind me again how many social houses he has in the Parish? I think it is a big fat zero, Sir. But he does his bit. It is true unfortunately, Sir, but it may not be this Constable's fault. I have sat here today and listened to some very good speeches from the Constables. In many, many other debates on housing I have looked across at these same Constables and begged them to take some responsibility and, all of a sudden, in the last couple of years, we have this call for retirement homes, or is it sheltered housing, or is it lifelong homes? I think the penny is dropping as well now with the Constables. We have just heard from the Minister for Education, Sport and Culture that if we do not get some young blood into the other Parishes, schools will have to close. Is this what we are discussing today? I sat in this House and I did approve the Island Plan 2002 and I did bring these written questions from the Minister, which were presented last time, and if you look, we are doing an Island Plan review and I would suggest... On the H3 sites, he comments: "An internal department review in February last year identified that H3 sites were not considered suitable" and again a recent in-house tabletop town capacity study undertaken in department decided that these may not yield 760 homes, but it could be between 350

and 760. So what are we debating? Of the rezoning of these particular fields that will be identified by the Parishes only 4 have gone out to consultation and they are in 4 different Parishes. We are also told that we need the recent Housing Needs Survey. I got a slight case of *déjà vu* that I am sitting here with not all the facts and there are a lot of Ministers who perhaps have already seen a good chunk of this review, especially the Minister for Housing who spoke just before lunch and this really does annoy me. If it is ready or if there are parts of it that would help or inform this debate, why could not the Minister for Housing and the Minister for Planning and Environment put these together? Again, I still have the problem of who these homes are for. I was very interested to note, Sir, the Housing Department sent out a waiting list in August 2007, which was done in categories of why people were moving. Not very much more than was sent out in March this year, but done completely separately. It is an answer to Deputy Breckon's question. He said: "Where are all these people living now?" The Minister for Housing stood up and said: "But it is mainly medical need." When their list is broken down, people needing one-bedroom houses of the most urgent medical need, are 22. You go to the next big figure and it is under-occupying 2-bedroom apartments or houses requiring one bedroom - it says nothing about medical - is 87. I am presuming this is families or it could be one person. It is very easy to say you are not caring for your elderly and we must provide this, but when you start breaking the figures down, they do not stack-up. Under-occupying 2 to ones, under-occupying 3 to ones, under-occupying 3, requiring 2s, under-occupying 4 or less. These are the big numbers but your most urgent medical needs on the housing list, social housing, is 22. The second, less urgent medical needs, is 56. The rest of the numbers are all in under-occupied accommodation. That is not stated very clearly in the list that came out only a few weeks ago. Why? Because what do figures do? You can present figures any way you like, but where is the evidence that these people are in the most urgent medical need? Again, who are these people? We are told we need this. In regard to the Island Plan review, I sat in the Town Hall for nearly all day a few Fridays ago, this year, and there are about 14 different headings. They are looking at retail on the Island, they are looking at tourism, they are looking at capacity studies, they are looking at people with different demands of different ages and everything, but none of it has come together. I think that is what this proposition is asking or requesting. We know Planning is a law unto itself, and I do not mean that with any disrespect. We cannot override a planning decision, but we can request. I would like a lot more information. I probably, individually, may go for some of this housing in the countryside, because I have always said the Parishes should take their bit before St. Helier, but I have not got the information. As has been demonstrated by the Deputy of Grouville, and I attended the planning presentation at the Société, was every Constable and Housing, so that is 13 different departments or ways of assessing criteria as to who needs one of these, and again we do not know what; sheltered, retirement, lifelong. Most people think their home is lifelong. Planning could make any flats at the moment lifelong by making the doorways wider or lift entry. This could have been solved by a few simple things. Yes, expensive for the developer, but if they want permission it could have been done and it still could be done. Not having to go straight into the countryside where there may or may not be a need. I think this proposition is just to make people really think: "Have we got all the information?" Certainly, I for one, Sir, have not. I do not know the amount of people I am looking at. I do not know if these people want to live in their own Parish, though we have said they do, which is lovely, but then there are a lot of tenants who want to live around and about where they already live. Sometimes in life it cannot be done, especially in a small island like Jersey, but we will always try to do our best. As I say, the Island Plan suddenly has gone from being... and I saw the timescale, because I was sitting on only one very small sub-panel which was on tourism, but it does encroach across; what will the use of small hotels and guesthouses in town come to be. They are in tourism at the moment, will they be housing? There are also quite a few in country Parishes. We have just heard from the Constable of Trinity that he has nowhere in the built-up zone that could provide any. He may have a few redundant guesthouses or hotels coming his way. Maybe. As I say, Sir, this is quite a reasonable request from the Deputy of Grouville. It only requests in (a) and (b) for Housing and Planning to get together, but (c) really does interest me. (c) is to request

the Minister for Housing and the Parishes and other stakeholders to develop and establish a policy and a rationale consistent with criteria, and all that for waiting lists because everybody has different criteria, and this was admitted, as I have already said. We just heard from the Constable of St. Ouen who has had 5 people - I think he said 5 families - who might need it in 5 years. Can we really cater for this sort of wish-list? We have this housing survey coming out and this should be where the need is defined. I will support this and I do not think it is too much to ask. I cannot sit down, Sir, without adding that the Minister for Housing, in his passionate speech this morning, said we cannot just rezone where and when we like, except of course if it is already in housing stock and it happens to be in a fantastic location for sheltered housing, I am just going to give it over to T.D.F. (Tourism Development Funding) so they can build a 1,000-space car park. I will admit, Sir, he then thought it would be coming to the House for a debate. We heard this morning that this would not be coming to the House for debate so this makes me a bit wary as well when we get all this rezoning. Everything is going to come separately and then we can, if we want. We have already been told if a Minister decides to do something, a Minister can do it and nothing really has to come back to this House, so I think this is a very reasonable request and I will be supporting all of the amendments.

**Deputy J.A.N. Le Fondré of St. Lawrence:**

May I just lift the défaut on Senator Ozouf if that has not happened yet, Sir?

**The Bailiff:**

He was not en défaut, he was absent from the Island on States business and so he is now in the Island on States business.

**11.1.14 The Deputy of St. John:**

A lot has been spoken in recent times, in this Assembly and outside it, about the price of homes. "Affordable homes" is often the expression that is used and that is dictated by 3 main things really at the moment. They are the availability of land, the availability of credit and, of course, planning delays. Those 3 things affect the price of property, land and houses - credit being a very topical one at the moment. The proposition that the Deputy has presented here I am afraid will further exacerbate that. Like the Constable of Trinity, I was present 2 years ago in our own Parish Hall where in St. John we were proposing the development of a green field site, as it happens, to sheltered housing. We had a public meeting about it and the public decided no, and quite rightly I think, that we should not be developing 2 fields that were green fields and they decided that they would consider just one. If this proposal goes forward today, that field, that one quite small field, right next door to the facilities of St. John, next to the church, the shops, the pharmacy, the doctor's, will be delayed. We do have a demand and that demand will increase. The Constable has looked at his list, and I know that the list is not as long as it will be in 2 or 3 years' time, but there is a demand. This proposition would disrupt that so I would declare a vested interest here. I want to provide better accommodation for the elderly, not just in St. John but across the whole Island. There is a parochial aspect to this matter and I know that the Minister for Planning and Environment has said on a number of occasions now that he would only support the development in any Parish, whether it be brown or green field, if the Constables supported it too. He has stood by that and I understand that he has no reason to not do that. Sir, I have been to a number of Planning Applications Panels in recent times and it is always interesting to observe that those most objecting to developments are those who already own comfortable homes that are often in the countryside, which of course would have once been green fields. We have an obligation here to house people that want to get on the housing ladder and those that in some ways are getting off it, in other words they want to downsize, thus providing family accommodation for those that need it by going into sheltered housing. One must not confuse this issue of brown field and green field. Brown field sites, Sir, also exist in the countryside. Greenhouse developments for example will be considered by some as brown field sites, but it is development in the countryside. I see no problems with that

provided it meets the planning criteria and has the support of the Constable. I am pleased that the usher has put the Island Plan map on the wall there, and I asked him if he would do so, because I think it illustrates a very strong point. You will notice from that map, quite well and quite graphically demonstrated, that the Island is generally green. I, like many of you here, would like it to stay that way. It is predominantly green. In other words, there is a lot of potential for sympathetic development even in the rural areas. Of course we should look at the urban areas first. I know St. Clement will not like that when it is said, but it is a fact. St. Clement and St. Saviour are often regarded as parts of the urban area and you will see from that map that that is the case. The rest of the Island is green and so it should remain as much as possible, but we have a finite land resource here and we are not using it to its full potential at the moment, and we can use it better without having a major impact on the environment. That is what the Planning Department is for. They have experts there reviewing these things. We have Constables objecting to them in a rational, well thought out manner and that is how the system works and that is how it should continue to work. What this proposition does is delay that process and I think that would be most unfortunate. Staying with the green field issue, and I know that the Deputy used the words "futuristic nonsense" about growing our own food. I do not think she is wrong there at all. I think it is not futuristic nonsense but it is blue-sky thinking, and it is perhaps utopia. If we had a real demand for market garden products now, the fields in Jersey would be awash with market garden products. There is plenty of demand, but the problem is that we cannot create that amount of market gardening products at an affordable price, so we currently purchase most of that, unfortunately, from the U.K. and elsewhere. If it was viable then farmers would be doing it now, but we want cheap fresh fruit and vegetables so we go to markets that can produce it cheaper. Jersey, unfortunately, cannot do that any more. If the Armageddon scenario occurs, then I would hope that we could still use all of that green space, there are enormous amounts of it. We are not short of green space. The Deputy seems also to be proposing a much more piecemeal approach to planning and I think that would be an unfortunate road to go down. She also seems to want anybody who wants to live in the countryside now; well they can do that as long as they are on a main road. I am not so sure that many particularly elderly people want to live on a main road. Some of our rural roads are quite busy roads. Developers build houses and flats and apartments because people want to buy them, not on a whim. They only build them because they know they can sell them and the reason why the price of apartments, for example, has reduced significantly in recent years is because of a matter of supply. Much more supplies are put into the market and if we change the process of planning and the process of allocating land, that supply issue will become even more of an issue. I think the Deputy presented her case well and I, like the Constable of St. Ouen, have plenty of sympathy and I think I could vote for items (c), (d) and (e), but I am afraid (a) and (b) will do nothing but delay, increase the cost of housing in Jersey, decrease the availability of sheltered housing in the future and simply delay matters. So, Sir, I am afraid I cannot support the proposition, although I do applaud her sentiments. I think that she is being over-reactionary here. I trust the Planning Department to ensure that our green fields remain green and I trust this House, when individual cases are brought to it, will take the pragmatic view too and do whatever is possible, now and in the future, to ensure that that remains the case.

#### **11.1.15 Senator P.F.C. Ozouf:**

I apologise to Members for not being here this morning. The one way of solving my arrival this morning would have been for a rezoning proposition for around the airport demolishing the odd church and maybe 1,000 homes so we could have a fault-proof airport, but I doubt whether that would be desirable or something that we would want. I hear from some of my Senatorial colleagues that it was probably a good idea that I was not here. It is interesting that we have now a copy of the 2002 Island Plan. That Plan was indeed extremely controversial. It did learn from some of the mistakes of previous Island Plans. It zoned sensibly land for first-time buyers and social rented housing by putting a planning obligation for developers and landowners for the first time. There were clear lessons to be learnt from that whole proposal. The last Environment and



Public Services Committee did, however, have to clean-up a number of serious problems with that Island Plan. There were issues, perhaps questionable decisions made about some of the sites that were rezoned. There were issues about communication. However, in mitigation for that Island Plan, one of the main issues that the plan had to deal with was the problem of catch-up. In the late 1990s it is fair to say that housing supply and demand was not understood. Going further than that, it was probably almost an unwritten policy of the Assembly, or at least the Planning Committee of the day, to choke-off supply of accommodation, almost to use as an immigration tool. The result was disastrous, an exacerbation of a 2-tier housing system. While we have seen increases in house prices, as the Deputy of St. John alluded to earlier on, the earlier increase in house prices was because there was a complete mismatch between supply and demand. Interestingly, house prices that we have seen in the last year or so are somewhat different from only factors of supply and demand. As the Deputy of St. John rightly said, it is about higher earnings in the Island, a wealthier society and certainly looser credit provisions which some Members, including myself, have had considerable concerns about. While appealing as it is, 100 per cent mortgages are, I am afraid, not something that responsible lenders should engage in, in my view. Also, the central issue is that we need more homes for a given population. Society is changing. People are living longer. The unfortunate increase in the divorce rate, the breakdown in families, people remaining single much longer, choosing to marry later and to start families later. The whole changing nature of the finance industry, whereas maybe 10 years ago we had 2,000 or 3,000 people of the 12,000 people working in finance who may have been working in administrative functions, those jobs have been largely replaced by higher value jobs and that has a different dynamic and a different demand on the housing market. I do not agree at all with Deputy Breckon when he says that we do not have good information. We can always have better information, but we do have far better information on supply and demand than we ever did previously. I am very surprised at Deputy Breckon. He is one of the first Members, rightly so, of this Assembly to be concerned about house prices and rental levels. We differ on the way of achieving affordable rents. Mine is a market solution about putting the right supply in, not trying to put in place rent controls which just simply bite you harder later on. I am surprised that he is going to be supporting Part (a) of the proposition because he, I thought, understood the need for affordable homes and for a wide amount of supply into the marketplace. I am also very surprised to hear Deputy Martin also wanted to support paragraph (a). I thought that she wanted to ensure that there was an equal supply of homes in other Parishes outside of St. Helier and supporting this proposition will mean that we will get nothing at all from any other Parishes. I have said that I do think we have better data than ever before. I think it is fair to speculate and to say that the Housing Needs Survey, which probably this proposition should have followed afterwards, will show that we will need an increase of supply of housing. That is absolutely clear. We need more sheltered housing. To vote in favour of part (a) of this proposition, as other Members have said, is effectively a vote to scupper the rezoning propositions for sheltered housing. No new sheltered housing to be delivered in St. Saviour, in Trinity or St. Ouen. I think that is sending quite the wrong message to people who need lifetime homes and sheltered accommodation. I also think it would be a vote in favour of effectively putting-off any further reforms in housing supply. I want to see issues such as shared equity dealt with. I understand Deputy Huet's concern and the remarks she has made numerous times in this Assembly about a land development tax. I do not think we have yet convinced Deputy Huet that there is an alternative to a land development tax and that is planning obligations. With the right to develop comes the obligation. In other words, a planning tax or a tariff to put something back into the community in terms of sheltered homes *et cetera*. I think that she can vote against part (a) and still have what she wants by innovative solutions of the use of the planning system to ensure that there is housing supply of benefit to the community as a result of rezoning propositions. I think that part (a) of the proposition would be a serious blow to housing supply, would send quite the wrong message out to the market in terms of this Assembly's determination to put in more supply and I would be deeply disappointed for all of those people, whether they be elderly people, whether they be first-time buyers or people seeking other forms of accommodation, to send out a message that

we are not interested in providing homes. Nothing takes away from the policies to rejuvenate towns, to put homes on the Waterfront, developing East of Albert, supporting town regeneration. The comment was made that it is only to be offices on the Waterfront. There may well be offices on the Waterfront. That will unlock residential accommodation opportunities in other places in St. Helier. Nothing takes away from that but we do need a housing supply over and above that. As for the rest of the proposition, there I can be, I think, much nicer to the Deputy of Grouville. Paragraph (b) I think is unnecessary. I think that no indication from a Minister for Planning and Environment has any standing whatsoever because effectively it is only this Assembly that can make a decision on rezoning. Certainly, any department or any Panel or any official could not predetermine any sort of planning application. I think that paragraph 2 is superfluous, unnecessary and should not necessarily be there. I do agree with Part (c) because the Deputy of Grouville is calling for a form of qualifying purchaser. Long-gone, hopefully, are the days of lottery with people's names being brought out of a hat. Gone, hopefully, are the days when there was no gatekeeper role for qualifying purchasers for first-time buyers. There are different types of first-time buyers. First-time buyers can be very high income people and should not benefit from the public decision to rezone land. There should be a form of qualifying purchasers and I certainly will vote in favour of (c) because I think it opens the gateway to that and I think there is already broad consensus on that. I think part (d)(ii) and (iii), is being done anyway, but I do have concerns about paragraph (d)(iii). I am not at all sure that we should be sending the signal that glasshouse sites are open season for development land. Anyway, I think that that has probably already been done in the Island Plan review. Where I am absolutely with the Deputy of Grouville is in (e). (e) is a further move on from the policies of planning obligations. Planning obligations for all large scale residential accommodation should include the obligation to put some social rented or some first-time buyer or shared equity accommodation. There, she is absolutely right and that is a natural evolution from the policies that were put in place in order to rezone land with first-time buyer and social rented elements of it. I am absolutely in favour and I hope all Members would vote in favour of (e). Sir, I think I have made all the remarks I wish to make. I think that it would be an extremely damaging situation to agree with part (a), but the rest of the proposition, or certain elements of it, deserve the support of the Assembly and I congratulate the Deputy of Grouville on bringing them forward.

#### **11.1.16 Deputy R.G. Le Hérissier:**

I congratulate the Minister on that speech. There are parts of it I agreed with. One of the sad things about this, Sir, is that everyone seems to have forgotten the rationale about why we need an Island Plan. We have seen this rather strange dual debate going on saying how much of an iron corset it is and very difficult to work with and then we have had the view of, for example, Deputy Baudains of St. Clement to let the parishioners decide. We have had the view of Senator Vibert to let the States decide each individual application, thereby, going back to the almost primeval situation that the States will, Sir, as this Assembly, become the planning authority. I thought we had moved away from that. One of the reasons we have moved away from that, and it is a pity the Minister for Planning and Environment is not here because I think he is someone certainly for whom I have had a lot of respect, but I do feel there are a couple of areas where things are going off the rails, particularly his preoccupation with eminent architects; secondly, Sir, his blindness - by no means malevolent I should add - to spatial planning. What people do not recognise is what, for example the Deputies of St. Clement have been complaining about for a long time, is while it is okay to give a little bit of a field away, that of course starts encircling or compromising other fields, another bit of a field is given away and before you know it, without any proper attempt at spatial planning, you have got an *ad hoc* village that has grown up out of nowhere. That precisely is what has been happening and in terms of the Island Plan the tail has been wagging the dog. The ultimate could be, as I said, unplanned villages, ribbon development and situations in fact like the one we faced in St. Saviour and which in a way I have compromised with, where urbanisation just moves up the hill, so to speak. It starts enclosing various fields and then, in a sense, you re-draw the boundary because you realise in a practical sense you have lost the bigger battle. That is what is coming through here.

Nobody sees that spatially we have lost the battle with the Island Plan unless we reassert its role. The other thing, in the Imagine Jersey exercise, and maybe the Chief Minister will speak to this, but it was very interesting that the young people were as strong, if not slightly stronger on the issue that we must retain green fields. **[Interruption]** They were not quite as strong. No. But there was certainly a view ... Yes, exactly. I certainly think there was an enthusiasm. The point being, when Islanders are saying that we wish to retain green fields, I do not think, Sir, they are saying: "We will retain green fields against all comers. We will never show an ounce of flexibility" and so forth. They are not saying that, Sir. What they are saying is: "If we go for an *ad hoc*, bitsy approach to planning, we will, almost surreptitiously end up with lots of the green fields going", or we will end up with the impact - the ambience - which the Deputy of St. John referred to. We will end up with a lot of places that, while ostensibly green on the map, have in fact had all sorts of indentations and all sorts of *ad hoc*-ery performed upon them. That, Sir, is the underlying issue. That is why, particularly in the rural Parishes... because I do support the large St. Saviour's development, which is why I am in difficulty with this particular proposition, as that particular development obviously forms a large part of it. **[Interruption]** Sorry? It is our own backyard. Yes. Quite. I do support that. But what I am worried also about, Sir, is this project started as an almost panic measure by the Minister for Housing, for over-55s dwellings, lifelong sheltered, end-of-life and so forth, and all of a sudden, Sir, other reasons have been added to the brew, for example, Parish regeneration - a very worthy objective. That has appeared as part of the brew. Bringing young people into the Parishes - very worthy objectives, but that certainly was not part of the original almost panic measure which was brought forward. So, Sir, it is a bit of a mess. I am not against moving into green fields or into Countryside Zone where there is an absolutely strong case. What I am against, Sir, is the fact that the Planning Department, for the very best of intentions, has fallen for this fragmented approach. They have abandoned what was the whole idea of an Island Plan, Sir. We are quite bluntly incapable of doing planning either as an Assembly or doing it in a fragmented way, and I think this could fatally undermine the Island Plan. But sadly the proposition puts too much of a corset around the propositions that are going through. I wish it would have been more flexible, but we are, as they say, where we are.

#### **11.1.17 Senator S. Syvret:**

I am sure virtually every Member of the Assembly will agree with me when I say thank Christ I am giving all this up soon. We imagine ourselves to be a competent Assembly and an effective government. We like to think, especially in the days following the change from Committee to Ministerial government, that we are drawing-up; co-ordinated; that our policies inter-tie with each other; that they work cohesively; that they make sense; that we are planning things properly; that we are competent and effective and working for the united and joined-up vision for the future of the Island. Well, of course, the debate that we have had on this matter today starkly demonstrates the complete opposite to be the truth. Really, in 18 years of government this has got to be one of the most intellectually feeble debates I have ever experienced, and this kind of debate happens about every couple of years. Oh dear, there is a sudden need for housing. Let us develop a bit more. Let us rush, let us panic, because there is a bit of pressure on. Let us build a bit more. Do not worry. It will only be a few - just a limited amount - and then we will protect our countryside. Every 2 or 3 years this Assembly does this, yet we always go back to the well to seek more and more and more. Members still, I think, have a great difficulty in understanding the basic physical limits to growth. We are going to embark upon a major and fundamental review of the Island Plan which is the document which determines planning in the Island - the development, the future of it. What should go where, what zones should exist. Where there is to be development, what kind of development, where that should take place. The fundamental same sort of co-ordinated document about planning for the future of our community. If there is any need to rezone land to develop properties for this or that need, then surely it is not asking Members too much to see that that should, in fact, take place during the Island Plan review, and the resultant debate and consideration of that Plan. Instead, what we are confronted here in the opposition to the proposal today is the most ludicrous *ad hoc*, plan it,

make-it-up-as-we-go-along, random, disjointed, chaotic approach to development. We do not even have an agreed set of criteria for who supposedly qualifies for this urgently needed housing. It fluctuates wildly from one Parish to the other. Some Parishes have no criteria at all. In a month's time, or whenever it is, we could be planning to rezone great swathes of the countryside simply in order to enable people that might happen to be millionaires to downsize to smaller property, thus liquidating their assets in their larger property. Is that what we are going to rezone open space and countryside for? I do not think so. Maybe some genuine need, but there is a clear difference between need and want, and we will not be able to know what that difference is until there is a cohesive rational criteria for making these decisions upon. We just do not have that at the moment. A fundamental problem with this whole approach to development that the Assembly embarks upon with monotonous predictability every 2 or 3 years, is that it never works. It never gets to an end where we can say: "Right. We have done enough development now and we can protect and preserve the Island's countryside." While there are different factors affecting the demand for housing in the market, it is inescapable that demand for accommodation has got to be the prime driving force. The more and more development, the more and more construction that takes place in Jersey, the more and more labour we require, the more and more people who come into the Island, the more and more people ultimately need to be housed. So, there is simply no escaping that fact and the limit - it is simply undeniable - the more we develop, the more we will not be able to meet the needs of the community. I listened to a Member earlier, and I think it was the Constable of St. Ouen, saying that we must not put off hard decisions, as though this random, *ad hoc* approach to rezoning the countryside was a hard decision that we have to make. Well, it is not; it is the soft decision. It is the weak, it is the spineless, it is the pathetic, it is the intellectually bankrupt, convenient, electorally convenient step that no doubt the Assembly will take again. The hard decision, the responsible decision, the tough decision we should be taking is to recognise the inescapable physical limits of a small island environment and properly protecting our environment. Some Members are absolutely wedded to the concept of growth and just cannot imagine a situation in which expansion, be it of construction, of development, of housing - just cannot imagine a day when it will come to an end. Well, I would like to quote a short passage from one of my famous blog posts when I was talking about the mathematics of growth, and it is important because this is easily understood and it is easily recognisable. You do not need to be any kind of mathematician. I am certainly not. But it is that easily understood. If you want to work out the doubling period of any growing system, it is possible to produce a ready estimate of doubling periods using what is known as the "Rule of 70", or the "Rule of 72". If we take the "Rule of 72", we take an annual percentage growth rate and divide 72 as the numerator into that growth rate sum. For example, say you are looking at 4 per cent per annum growth, take 72 and divide it by 4; this gives you an answer of 18. This figure means that 18 years will be the doubling period of your growing system. At that rate of growth, its size will double every 18 years. If you consider an index figure of, say, 20, representing the starting size of an economy, it doubles and then it is 40; it doubles again, then it is 80; it doubles again, then it is 160. Thus, we see that the quantum of each most recent doubling period is greater than the total of all the quanta which preceded it combined. Another interesting thing is the speed at which the boundaries of growth, the limiting factors of growth, are hit. Ecologists use this analogy. Imagine you have a large lily pond. It has one water lily in it. Overnight that doubles to 2; overnight again that doubles to 4; again it doubles to 8. This exponential growth continues until the pond is full after 30 days. Question: when was the pond half full? It was half full on the 29th day. Day 29, and you still have fully one half of your resource - in this case surface area - remaining unused, and just one day later it is all used up. These are the mathematics. Talk is cheap in politics, especially when it comes to fairly uncontentious subjects like protecting and preserving the environment. The great majority, if indeed not all the Members of this Assembly, would avow themselves to be very, very keen on protecting the Island's environment. Well, talk is cheap. Sooner or later, if we are serious about protecting the environment, we have to make that hard choice - the hard choice to say: "Enough is enough." No Member of this Assembly who votes for this constant redevelopment, rezoning and building upon

our countryside every few years, can credibly claim to be serious about protecting the Island's environment when they make those assertions. The fact is, there is a limit to what our Island can endure before it is altered utterly and irredeemably, beyond anything that we know, and beyond the parameters of what will serve the interests of our community in the long run. If we are serious about the environment, if we are capable of recognising the limits to growth, even to some mild extent, can it really be asking too much of this Assembly to wait until we have a revised Island Plan before making those decisions? For that is, in essence, all we are talking about: joined-up, cohesive, well-thought-out government property planning. The Island Plan. That is the process, that is the vehicle to decide upon rezoning. If we are not prepared to wait for the revised Island Plan, then we do not take the Island's environment, and thus we do not take its future, seriously.

#### **11.1.18 Deputy P.V.F. Le Claire:**

My speech that I had written began with the words: "A long-standing problem that needed a co-ordinated response." Based upon Senator Syvret's speech, much of what I was going to speak of in terms of overall government understanding and responsibility has been spoken about, and the lack of a co-ordinated response in that regard. I would like to touch upon a few areas. Senator Ozouf's speech I thought was particularly good, but then again, he has had the experience of being a Planning President, and he has had a great understanding of that position, and he is a good orator. He derided the claim that we did not have good information. We had good information, but we could always do with better information. Much has been made about the information that will be coming forward in terms of the Housing Needs Survey. I have mentioned it before, and I will say it again. A Housing Needs Survey dropped through the letterbox of our front door where 14 households reside; 5 people had housing qualifications in 5 of those 14 households, 9 others did not have housing qualifications - 9 other households did not have housing qualifications. One survey addressed to the occupier. Nobody filled it in. I picked it up after a few days, put it to one side, got it for the Scrutiny Panel. There is an example of the better information the Assistant Minister of Planning said that we would be working from for the next 5 years. It is poor information. If it is going to say that we have a need, it is going to say that we have a need that is less than the actual need. Senator Syvret makes the point that we would be better off putting off this proposition until the Island Plan comes forward. Now, that is a very tempting argument, if one had faith in the Island Plan. But I sat through the process of the last Island Plan, and I was one of those that brought a last minute amendment that was judged by a round-table, internal review to be unsuitable by the Planning Department - or the Planning Ministers. I really scratch my head and wonder what is suitable for the Planning Department. Railways around properties in St. Brelade? The look of the new hotel opposite the oldest castle? The new assault course, the 40 metre incinerator, and the Victorian village coastline? Trinity Infill, Portelet? What is suitable for planning should be defined, because it is certainly not understood. I do have quite a high regard for the environment - probably not, by confession, as high as most of the aims and desires of Senator Syvret and other people that have had that as part of their life and part of their work. I do have a high regard for the environment, but I have a particularly low regard for the ability for the States of Jersey to house the people who live in Jersey, for the main part who have not got money, adequately, reasonably and sociably justifiably honourably. I remember once - going back on to the speech of the Constable of Trinity - the difficulties in moving. It might have been the Constable of St. Saviour. Please forgive me, because there has been a couple of Constables that have spoken today. I thought some of the speeches were good, and they really demonstrate the need for the Constables to speak more often. I remember going to help a Portuguese couple who had lived in a flat for 17 years, a one bedroom flat without a tap in it. They used to fill up their bucket of water every night and carry it upstairs and have their teas and coffees and put their dishes in their bucket and then go to bed at night and clean out the bucket in the morning. 17 years. They paid their rent on a weekly basis. The man contracted a kidney problem and was told that he would have to start going into the renal care unit and everything else, which demanded a higher level of hygiene than they were used to, and they were a very clean and respectable family. They had kept everything nice and tidy, but they had no

running water in their property. So, they informed their landlord in the beginning of December that in January they would be moving into something that had been provided by the Housing Department. A very nice place just down the road. They let him know a couple of weeks ahead of time so that he could make arrangements to fill that place. The landlord who had been taking their rent every week for 17 years, said: "Fine. Out by Friday." I carried the armchair of that couple down the road in the rain in December into their new accommodation housing, which did not have carpets on the floor because we had to move them in early, and found myself thoroughly ashamed of thinking that somebody who called themselves a Jerseyman could do that to somebody else. There is a great need for us to improve the housing needs of people in Jersey. The reality is that when we were told or sold the idea that the 2002 Island Plan was a living, breathing, working document, we fell for it. Some of us more than others. So, in attending some of the meetings for the Island Plan working groups that have been going on, I was quite pushy as I normally am - you all know me, States Members - in asking questions. I can be a bit of a pain in the neck in that regard, but sometimes I can get some very interesting answers. I can see Deputy Huet nodding her head vigorously. Do not nod too hard - it might fall off. The reality was the answers came back that normally an Island Plan lasts about 20 years, but in this case it was kind of strange that we were reviewing it after such a short period of time. We are told the new review will be subject to full consultation. It will be evidence based. There will be an independent planning inspector coming from the U.K. Yippee. But what it does not tell me is how it is going to address the needs of people like myself who have given up even thinking about beginning to look for houses to live in that we own. I do not own a house. I do not even have that much of a hope to begin even looking. I looked at 2 in my lifetime. Recently, with the £1 million mortgages on the front of the headlines, you do not lose the will to live, you just lose the will to look. Now, I was told today by a financial adviser, that some 10,000 packages of mortgages have been removed by the clearing banks and the main banks in the U.K. in the last 10 days. 10,000 different types of mortgages. I found that very hard to believe. I did not realise there were that many. But they pointed to the fact that because of the credit crunch, a lot of these mortgages were coming to a close, and arrangements that had been made were now going to mean that they would have to meet greater demands upon them in terms of interest payments that would be renegotiated by the banks, and could mean in some cases on a mortgage of £400,000 with a one per cent increase, an increase each year of £4,000 for that person's mortgage repayments. So, does it not make sense that there are going to be people that want to downsize and get out of those commitments into smaller areas? To have no criteria set by the Parishes gives me very little faith in the process. It is a shame and a pity that so much of what is good about this proposition has been dismissed by: "We will not support the proposition. We cannot support the proposition." Well, there are several different things - 7 different headers in the proposition, and I am sure most Members, if they sat back and had another chance to speak, would acknowledge, as Senator Ozouf did, that there are some very strong and important parts that give us a call to give support for. So, where do I go in my several parts? I have support for (c), (d) and (e), which are 5 parts. I am having a lot of problems with (a) and (b) because it is asking me to fall again and be a fool again for the Island Plan process. I am sorry, I do not have any faith that the Island Plan is not going to come back if these were put off today and not have these included in the Island Plan of the future. They will come back in the Island Plan, but they will come back 3 to 4 years from now. If we keep on growing, and if we keep on encouraging economic growth, we are going to find peculiar situations where a Grade 7 worker who wants to be a secretary for the Social Security Minister will not even come forward with an application because £26,000 a year is not enough. On those kind of mortgages it is not enough. I earn much more than most people who I grew up with, maybe by £10,000 or so. Some people I do know have managed to succeed extremely well. But many Members, I will ask you to be honest if I may, Sir, through the chair, have had very good educations and are comfortably enjoying some very nice houses after some very hard work in some businesses that they have been involved with, and congratulations to you all. But a lot of those aims and objectives that we sought for, or that we seek to achieve, are beyond us, and increasingly, as with the headlines in the *Daily Telegraph*, as pointed out by Deputy

Ferguson this morning, if you keep letting the extremely educated people in, you keep displacing those small groups of people that are poor, have special social needs, or have low education. Those people's needs and those people's desires for homes of their own are displaced, and they become unachievable. So, what we have got to do is, we have got to...

**Deputy S.C. Ferguson:**

If the Deputy will excuse me, I quoted the Economic Affairs Report, the Committee of the House of Lords, who said that after investigation they considered that the net benefit of immigration in the U.K. is virtually zero.

**Deputy P.V.F. Le Claire:**

Yes. I am glad for that clarification, because I did not bring the newspaper with me. But it went on to say what I added, also making a number of other points about immigration, migration and contributions to economic growth. The Bank of England Governor recently remarked how foolish the banks were to think that growth was necessarily a good in itself. That is the Governor of the Bank of England - it is not me. I put a question today to the Chief Minister about whether or not his recent immigrations and migrations of Eastern European countries are going to have an impact. Let us say 3,500 to 7,000 people, predominantly not old, predominantly well-educated. They are going to be vying for a place to live. Senator Ozouf made the point very well. We have changed the banking structure. We do not have the low key back office workers any more. We have the more intellectual side of things. They get better salaries. They want bigger houses. We have share equity plans that are emerging, while we have, you know, dancing around the fires of the share transfer bonfires at the moment, you know. For God's sake, do not do anything about that market. I think it is an immoral market. You should only be able to own a house that you live in while other people are having to live in some of the conditions that I have seen. If we want to uplift the people that are in the poverty belt in Jersey, out of the poverty belt, and out of the social need that we are providing them for, we need to do a lot better about our overall governance of this Island in a joined-up way. Now, the Council of Ministers are not fools. They know this, and we know they know this, and now they know... **[Laughter]** So, the game is up. It is a known unknown. I am so glad. I did not think that they ever listened to me. I thought I was just... Sir, through the chair, I never realised anybody was listening. **[Interruption]** God, I had better shut up. It is like this, Sir. I think Jersey is a really, really great island, with some really, really great things going for it. It has had some things that we have found out recently that really have brought us all awake with a slap across the face that needs sorting out. But one thing we have known about for a long, long time is the sense of injustice that has been brought about through the lack of provision of housing. Housing does not have to be built any more that harms the environment. We have sat on the Environment Scrutiny Panel and it can be built sustainable. Sustainable housing can be built. No matter how much you love the Island, and no matter how much you love the environment, which I will try to claim to do, but obviously I am not going to succeed if I cannot support all of this, you cannot get around the fact that if you keep letting people in, you are going to create these pressures, and we have kept letting people in. The States wants to keep on growing. The States wants it to be an open-door policy basically, a managed open-door policy. We have some great things on offer: we have some great education; we have some great health care. We have a Minister for Housing that says there is a need; we have some Constables that say there is a need. We have a Minister for Planning and Environment that says we have got to do this, or there are 4 more years of waiting. One thing is for certain. I think that 5 out of these 7 are worth supporting and all Members should support them. I think the first 2 will delay the issue, for it to come back to be revisited upon us in the Island Plan. That will mean 4 more years of delay, and I cannot support that. I will look at the issues when they come back individually. But when I hear the Constable of St. Mary talking to me about that school that is in need of support to reinvigorate the community, then... and Trinity as well. I was there the other day with my son playing football on their field opposite their school - fantastic facilities, fantastic Parish. These places are wonderful places. We need to now take a

closer look at the criteria. It should not just be, as many Members have said, extensions of the village scheme for old people to live in. They should be extensions of the community for all people to live in, with the criteria that sets an opportunity for all people. Perhaps we can all take one last look at that map and remind ourselves that from here you cannot see the Parishes, you can only see the outline. It is just one little island.

#### **11.1.19 Deputy R.C. Duhamel:**

When the issue of supporting or not supporting the 55-plus developments came to the Environment Scrutiny Panel, there was fairly widespread discussion. But it really centred on 2 different ideas, some of which have been referred to earlier in other people's speeches, but I will recap. The first idea was the variability within each of the schemes in terms of how much those schemes would contribute or not, as the case may be, to any community development that they were intended to be an adjunct to, and the extent towards the amenity provision within a wider area. The second point was the extent to which the bringing forward of those sites added to or took away from any Island Plan review process that inevitably will be looking at similar things. Sir, it is quite interesting to pick up on some of the remarks that were made by Professor McAuslan a number of years ago in reviewing the work that was done for the Island Plan, and he came forward with many wise words. Among them were 2 particular things. One was the extent to which the Island had perhaps sacrificed over the years the look of the place - the rural aspects - for development, and how had we done that? Well, we had done that principally by doing 2 things: one was picking up the policy of dormitory suburbs, building bolt-on housing estates in various places out in the countryside, only then to realise that in doing so, people working predominantly in town would have to come into town in order to work and to get all their amenities and leisure pursuits and enjoyments; and that, of course, had consequential knock-on effects in terms of spreading the traffic, making the place less quiet and bringing a whole host of other problems. Now, the second point was the extent to which we had not really paid enough attention to what he termed as "sporadic development" for, in layman's terms, pepper-potting building when sites came up almost anywhere, on the basis that those sites were available. In building wherever the applications were coming forward, we would be contributing to solving our housing problem in the long term. As we heard, Sir, from the likes of Deputy Le Hérisier, if you pepper-pot too much then eventually, mixing my metaphors, the whole thing comes back to bite you, so to speak, and you end up in surrounding green, open countryside with developments and the value of the countryside within those areas is devalued. Now, we all would support keeping the Island as green as possible, and it is a salutary statistic that we have developed about half of the Island, if you take into account people's back gardens and roads and the airport and all the other infrastructures. So, we are almost at this day before we move into the how do we start developing the other 50 per cent scenario that Senator Syvret was referring to. Now, personally, Sir, I do not wish to encourage the Island to go there in any fashion if, indeed, there are other alternatives for dealing with what we would deem to be important in terms of looking after our own people in the Island and providing with top class accommodation and opportunities for amenity and community living. But it is, Sir, salutary to note that when the Island Plan was set up in a slightly different form to the first one, it was intended to be a document that was written in a loose-leaf form in such a way that developments could be progressively upgraded, and that we would not have to be in a position of having to, as we do with our maintenance programmes for housing and other property, leave the things to fall down, so to speak, until such a time as we needed some kind of hefty remedial action in 10 years' time or 15 years' time by way of a review. The whole intention, Sir, was to take individual plans for particular areas that had been developed and to upgrade them on a continuous basis when the needs arose. Now, we did not do that - we have not done that - but it does not get away from the principle that the document was written in a form that allowed us to do that. I think, Sir, this really allows myself and perhaps others who are thinking that they would wish to vote against (a) and (b) because there will be an interminable delay in terms of bringing forward any developments that the States might think are worthy of their support, in a time period that is untenable. Perhaps, if we could all picture a request



going to the Minister for Planning and Environment by way of the Island Plan review to encourage him to develop the Island Plan review in the way it was intended, we could have our cake and eat it, so to speak, if development plans were implemented very, very quickly, as I am sure they could be in relation to a lot of the developments that have been put forward, to put those planning applications in context. Now, it is quite easy, Sir, to think, for example, of the massive development that has been suggested for St. Saviour, for that to take place in that form. Indeed, Sir, we have heard the Deputy of Grouville suggest that perhaps there would be an opportunity for individual schemes to come forward, and I think perhaps this is maybe what she was thinking of - if indeed the development that is to be proposed by the various Constables could be put into context, but a greater context for the development of the Parish areas. The only reason we are doing these things, Sir, is to create wider community networks and neighbourhoods. It is not just a case, I would hope, of providing more bolt-on housing estates and copying the mistakes of the past. We seem to be suggesting that we have seen through the error of our ways in that respect, Sir, and hoping that we would be able to be looking to a future of Island Plan reviews and development where we improve the built-up areas in relation to the green areas that they sit in or enclose. So, I think, Sir, if indeed Members were to read (a) in the way that I am reading, which would suggest that it is still open for the Minister for Planning and Environment to come forward as it is, because under the Law he is the only person who is entitled to come to this House to propose zoning proposals, supported by any of those Parish Constables and Deputies who are suggesting that a particular development is required and desirable - if those plans could come forward as a sort of mini Island Plan review, I think we would get around the problem. If we do not go along those lines, Sir, I think that perhaps the suggestions that have been put forward by the other Members that this might be seen to be an interminable delay is those comments are probably justified. But the point I am stressing, Sir, is that it does not have to be that way if we do not wish it to be that way. Indeed, Sir, re-stressing the point, the Island Plan was written with that particularly in mind. On the other issue, Sir, there is only one point I would like to make and that is, in terms of the emerging Jersey Review and the Island Plan review work. I attended quite a few of the break-out groups and I did happen to get the impression, Sir, that there was an intention on behalf of those who were organising the work, that perhaps there was an assumption that there was going to be an immigration that was planned, or had to be planned for; and that the Island planning work was not being seen so much as a strategic planning document in order to kind of test the water to see whether or not the Island wished to go in that direction before we opened the floodgates, so to speak. It appeared to me that the suggestions had been put to those officers within the departments that they had to be accommodating growth. The suggestions coming forward very strongly were: "Where would that growth be accommodated?" So much so, Sir, that there were some suggestions within the imagined Jersey Review that one of the ways of accommodating this extra growth would have been to have gone for a new village settlement development somewhere to be defined. In fact, the public engagement review procedure that was set up at the Town Hall did have the intention of running a small work group to ascertain from those persons who were attending where this new development was going to be. But following on from the Imagine Jersey outcome where the majority of those participating suggested that they were not necessarily wedded to opening the floodgates and encouraging more and more people to come into the Island, if that did happen - and it was something that the Island could not size-set by other urban methods - then most certainly what they did not want to see was the rampant break of the green areas as much as it had happened in previous times. So, I think, looking at the final point, under (d), where there is a suggestion about glasshouse industry exit clauses, again, Sir, it worries me because our Scrutiny Panel has been privy to some of the early thinking in terms of providing exit arrangements for the glasshouse industry. Indeed, Sir, we have already given our strong comments on the situation and, Sir, - put it this way - it does not help when documents are coming forward suggesting that we are looking for, perhaps, an emphasis for a glasshouse industry exit policy to put back green areas, when in fact the phrasing that is being used is suggesting that the majority of the greenhouse areas would be favoured for development and I think this really probably lies, along with some of the other

comments I made, with the reasons why the Deputy of Grouville has phrased her proposition in the way that it has been phrased. I am not against development, Sir. I am for the countryside as much as everybody else - probably more so than others - but I can moderate my point of view in order to accommodate the rules and wishes of other people. For that, Sir, I do wholeheartedly endorse some of the sentiments that have been put forward that the Island Plan is our central document on which we should all rely and this does seem to be putting the cart a little bit before the horse. I think that nothing would be lost if, indeed, we do support (a) providing the message goes back to the Minister to suggest that proper planning - mini-planning - developments can be brought forward for the individual community areas of which the Parishes are so proud to be part of.

**11.1.20 Deputy J.A.N. Le Fondré:**

I have to say, Sir, when I first received this proposition, I found myself in a little bit of a dilemma. I like both the Deputy of Grouville and the Deputy of Trinity but today I am going to have to be in disagreement with one of them. You might say I am a thorn between 2 roses. **[Approbation]** I thought a little bit of flattery might get me somewhere, Sir. **[Laughter]** On balance, Sir, I have concluded that I am going to support this proposition although I have almost been swayed by some of the counter arguments. Why am I supporting this type of proposition when we do need more housing? As an aside, Sir, I, too, am very encouraged by the headline in the *J.E.P. (Jersey Evening Post)* tonight where a particular developer is planning 140 apartments and 70 sheltered housing units; 210. I hope that was April Fools, Sir, rather than the artificial re-plan by the Minister for Transport and Technical Services because I have never seen him quite as a surfer, at least not of the watery kind; more so, perhaps, of the internet. Now, subject to quality and design, that is exactly what I want to see certainly, Sir, and indeed also welcome the comments of the Assistant Minister for Planning with regard to brown field development. At the end of all this I may well be supporting some of the individual schemes that do come forward from the Parishes - again, at some point in the future - subject to their impact and their support by the Parish. However, for me, I have to say that part of the problem lies at the feet of the Planning Department and the processes and policies they have followed in past years. To me we must have a coherent and cohesive plan, not a parallel process.

**Deputy J.J Huet:**

Would the Deputy mind, Sir, if I just asked something that does not seem to be very clear in the House? Could the Attorney General please tell us, is it true that the Minister for Planning and Environment could bring forward on behalf, say, of the Constable of Trinity for his piece of land if he persuaded the Minister for Planning and Environment that it is legal? Could the Attorney General confirm that, please?

**The Deputy Bailiff:**

I do not think it is a matter for the Attorney General. I think it is a matter as to what the proposition means. The proposition requests the Minister to suspend all proposals for the rezoning of green field sites until the review of the Island Plan is completed.

**Deputy J.J. Huet:**

No, it was not that. It was really because people do not seem to believe that the Minister has the power to bring it. They do not seem to believe that and I am saying the Minister has got that power and I am asking if the Attorney General will confirm that.

**The Deputy Bailiff:**

He has the power at the moment and the proposition wants him not to exercise it.

**The Deputy of Grouville:**

No, if I could just clarify. I thought this was the case but I clarified it with the Greffier this morning and I am requesting here the Minister for Planning and Environment to suspend. But, just

as easily as I am requesting that, if a Constable had an individual site they can then - well, according to the Greffier this morning, Senator Ozouf - request the Minister for Planning and Environment to bring something forward on their behalf and this Assembly decides, just as easily as we are deciding here, to request the Minister for Planning and Environment to suspend.

**The Deputy Bailiff:**

I do not know. The Greffier did not consult me but this seems to me to be very clear. This says that the Assembly is requesting the Minister to suspend all proposals for rezoning. Now that will include whether he does it at the request of the Constable or anyone else. It is only a request so he could ignore the request. So, to that extent, that is right but, on the other hand, Ministers are accustomed, normally, to respecting a resolution requesting him to suspend it.

**The Deputy of Grouville:**

But, Sir, it is a request of this Assembly just as easily as it can come back to this Assembly and be requested that a site be decided upon.

**The Deputy Bailiff:**

I think I must be absolutely clear on this because the proposition, in my judgment, if passed, will do exactly what it says. It will request the Minister to suspend any proposals for rezoning. If he adheres to that then he will not bring any propositions for rezoning until the Island Plan is completed. It is, of course, open to him - because it is only a request - to ignore it on a case-by-case basis if he wants to. I do not know what attitude he will take. That will be a matter for him. It does not, in law, prevent him from coming back to the Assembly with a proposition but the Minister will have to say on his behalf. Certainly, the States will have made it clear that they do not want him to.

**Deputy S.C. Ferguson:**

With respect, Sir, there have been occasions when the Assembly has requested in areas of planning and the Minister has totally ignored it, in the past. So, I wonder if that adds to the uncertainty.

**The Deputy Bailiff:**

I do not think I can add to what I said, Deputy.

**Deputy J.A.N. Le Fondré:**

If I might elaborate on what I have just said, Sir, I am talking as part of the Island Plan process that I may support some of the schemes when they do eventually come forward. But it is part of a cohesive process not as part of an *ad hoc* process where we do not have the full picture. We do not yet know, Sir, what other sites are being considered within the Island Plan, within the various Parishes that have been spoken about. To me, I want to have the entire picture first and that is what this proposition is about, as far as I am concerned. To me, planning must first be seen to grasp the nettle, if you like, of some of their own policies first and, for example, BE5 tall buildings, which basically limits development to 5 storeys. Equally, and given the urgent need for housing, should we not be looking at further changing the mix of retail and residential units on the Waterfront? Should we, dare I say, consider going higher than previously envisaged? We have a huge development site there. It is a brown field site and it is still out for consultation. It is the closest thing that is coming to us. I support many of the proposals by the Minister for Planning and Environment in respect of that site but I have thought long and hard about what is happening on the issue of height and I do feel strongly that we should be revisiting that first before rezoning yet more precious green field sites. That is not about dumping on St. Helier. It is about the Island as a whole. We do have huge pressures on us. For example, the pressures of the ageing population, but I simply do not feel that we, yet, have a clear view of the economics of the local housing market. For example, given that house prices have increased by approximately, let us say 20 per cent, relatively recently, is this just developers taking advantage of a restricted market and taking super

profits or is it legitimately because their costs have gone up, i.e. by a similar amount of 20 per cent. I do not know - I suspect - but I would like to see a piece of work undertaken as part of the strategies that are presently being developed. I have heard a number of seductive arguments; do not delay, do not plan, I do not like green field development but we do need it here just this once. If we look at that map that is up on the board it is in predominantly green and light green colours but, unfortunately, all the buildings that are in those zones are also coloured green and light green. So it is not as green a picture as you might like. Therefore, that is why I am supporting the Deputy on this, Sir. I want a coherent approach. I want the brown field sites developed first and I will do everything in my power to assist on such schemes but I also want the height looked at. It is not all brick bats aimed at Planning. They have recently revised their spatial requirements. Great; that is a significant step forward but I want to see the “P” in planning re-emphasised and strengthened and I will be supporting the Deputy on this. I hope some Members will be joining us.

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

It seems a long time since I pressed my button to request to speak. **[Laughter]** I am beginning to regret having pressed it at all. I start by remarking that many speakers today have praised the presentation by the Deputy of Grouville. They have then gone on to say the equivalent of “however” or “but” and started to argue. It set me thinking about why the presentation was so clear and so well done and it is very simple, I think. It was a relatively easy task - not to demean her presentation in any way - but the fact is it was a logical and coherent document. It went very easily from one to the next, to the next point, to the next point. It holds together. The coherence of what is being suggested was absolutely clear and that took me on to thinking about why was that so refreshing? What was it a response to? It was a response, I think, to what started off this morning with a piece of *ad hoc*-ery that is absolutely astounding in the way we have arrived at it and it is represented by the sort of lachrymose speech we had from the Minister for Housing today who appears to have been somewhat like Rip Van Winkle. He has been, apparently, slumbering away for 8 years and suddenly woken up - I do not know if a handsome prince or a princess or a frog has been the kiss to wake him up **[Laughter]** but he seems to have woken up, in fact, with a problem with the ageing population. He has been there. He is in his ninth year now. He has just noticed, suddenly, that he has, and I quote: “Hundreds of people on his back.” I have a visual imagination and I am relishing it. Hundreds of people on his back. Of course, he ended up with the good people saying: “Yes, of course, I want the Island to be nice and green and good for the future. However, I am panicked into suggesting that hundreds of people have an immediate need to be housed on green field sites and I have rallied the Constables to that end.” A piece of *ad hoc*-ery that takes the breath away. But how refreshing to see a coherent, logical statement in response to that from the Deputy of Grouville. When I heard her speech I thought that I would be supporting it and to be honest I have not heard anything since that has made me waiver, in any degree, from that support. I thought we were getting back to the core of what this debate was about, at one stage. Deputy Le Hérisier and Senator Syvret both remarked that what we are talking about is the coherence of the Island Plan and a proper Island Plan review is the way to proceed. Not to panic and somebody decide we are going to have to throw some buildings up here, there and everywhere, only one of which, I think, meets the needs of an ageing population and it is the larger one in St. Saviour which does appear to fit the bill. But this running away from the Island Plan which has been suggested, I believe, as a response to the Minister for Housing’s sudden awakening to an urgent need that may have been developing at least for the last 8 or 9 years. The other issue that has been remarked upon by some people, and it is one which was mentioned in the Deputy’s speech about - I do not know what the grouping calls itself, the Green Alliance, perhaps - Rural Alliance - defending against the concept of building on green fields. One has to focus on what that is about, and what that is about is a softening-up process which I believe is going on at this present moment to build towards higher immigration numbers and higher population. The key of this is higher population and we have seen the first part of that softening-up process in the Imagine Jersey 2035 presentations and debates that have happened so far where the 2 issues - one of sheltered housing,

the need to build for our elderly and the need to build for an increasing population for immigrants coming into the Island and living here - those 2 separate threads, which go into our housing need, were run together in a single question in Imagine Jersey and conflated. Here we are dealing with one strand of that but the underlying pressure is one on immigration, economic expansion and consequent population growth. As somebody said earlier in this debate that has taken place today, I believe, is a precursor to probably several debates we are about to have over the coming years - sorry months, maybe years - focusing on exactly that problem; economic growth leading to increased immigration and increased population and what the hell do we do about it. That is the essential debate.

**The Deputy Bailiff:**

What do we do about it,

**Deputy G.P. Southern:**

What do we do about it, Sir. Yes, I do apologise. That is the key. Now what we are asked to do today - and I believe it is worth supporting - is to step back from this panic, not join the stampede towards doing “something”, which means anything, to cater for this sudden need but to take a more realistic and rational and considered approach by proceeding with a timely review of the Island Plan but sticking to some principles that underlie that. I shall be supporting this proposition in its entirety and I urge Members to do likewise.

**11.1.22 Senator T.A. Le Sueur**

Until a quarter of an hour ago I thought that Members were quite clear about what this proposition meant but in the last 5 minutes I am beginning to wonder if some people interpret part (a) differently and so I am grateful for your ruling of what it means. It strikes me, using my metaphors, it is rather like both trying to get to the same place and one taking the high road and one taking the low road. I think most Members in this House would be reluctant to see any more green field sites developed than is absolutely necessary and I think it comes down to a matter of degree. Those taking the standard reading of paragraph (a), if we adopt (a) there is no possibility of rezoning any green field sites for the next 4 years. Realistically, it would be a very, I think, foolhardy Minister for Planning and Environment who ignored the mandate directed here even if he has a legal ability to do so. But I think for those Members who do not like the idea of it being black and white the general principle of Island Plans, both this one and the previous 1987 one, was that of a presumption against development in the Green Zone. I believe that the Island Plan at the current time maintains that general principle so we should not be afraid of rejecting part (a) of this proposition yet recognising that, in doing so, it will still be most unlikely that many green field sites would be adopted because of the presumption against development. What it does do is enable us, as a House, to debate those individual sites at some time - maybe one-by-one, maybe in groups - over the next 4 years. If we adopt paragraph (a) then I believe that that opportunity is denied to us for the next 4 years or until the next Island Plan is in place. Now, for those Members who want that absolute denial then they can clearly vote in favour of this proposition. For those who are a little bit more, maybe, wary and would like, at least, to have the opportunity to debate one site or another - maybe it is St. Saviour, maybe it is St. Ouen, I do not know. Members will have different ideas - if they have that objective of maintaining the possibility of looking at those individual sites then I believe they have to vote against part (a). Some of the subsequent parts of the proposition, (c), (d) and (e), like many Members, I have no strong feelings either way but I am quite happy to support them but I think to support part (a) here does back us really into a corner which we will come to regret and so I cannot support the first part of this proposition.

**The Connétable of Grouville:**

On a point of clarification, Sir, you implied it would be up to the Minister for Planning and Environment himself to decide whether, in fact, to take any of these sites before the House later on,

if we lost on paragraph (a). I just wanted to say that in his report to the House he does say that the effect of part (a) of the proposition will ensure that no new homes are forthcoming on zoned land until the Island Plan is adopted and for that reason I cannot support it. So, I assume from what he says here, Sir, that he will have no intention of bringing any of these sites forward if we lose part (a) of this proposition.

**The Deputy Bailiff:**

Well, I hope that is not what I said and I think it was indeed what Senator Le Sueur has just said, namely, that the Assembly, if it passes part (a), will be requesting the Minister to suspend all proposals for rezoning. One would normally expect a Minister to comply with such a request but it is always open to him - if he particularly thinks otherwise - to, in fact, come back to the House in defiance of the request. But, as Senator Le Sueur pointed out - and what you have said in the report - that would indicate the Minister, perhaps, would not do that. That is, ultimately, a matter for the Minister. This Assembly, if it passes a resolution, will be saying: "Please suspend everything." If he complies with that then no matters will come back until the Island Plan is complete. It is up to him if he chooses to chance his arm, so to speak, and not comply with it, then he has the right to do so.

**The Connétable of Grouville:**

I basically understand that but what I am saying, Sir, is that his words in his reply are quite firmly shutting the door on him bringing it back so there is no chance of him bringing it back.

**The Deputy Bailiff:**

Unless he changes his mind, as is his right. I am sorry, whom did I see next. I do beg your pardon. I think I have seen Deputy de Faye next.

**11.1.23 Deputy G.W.J. de Faye:**

It is indeed an interesting phenomenon, as the chilly winds of election year swirl around the Chamber, how Members feel obliged to up the volumes of hot air to combat it and I shall join that throng. [Laughter] It does seem to me - and I congratulate the Deputy of Grouville - that this is one of the more sensible propositions that has been put before the Assembly for some time. Indeed, I suspect that most Members really, perhaps privately, think that they probably agree with this in its entirety. It is, of course, absolutely right that we should not start rezoning sections of the Island on an *ad hoc* basis, outside the straightforward reviews of the Island Plan. That is absolutely the right position. It is vital that we take a holistic view of planning in this Island. The problem is that I think most Members realise that there is, essentially, a flawed Island Plan before us because, as I said on a number of occasions, it is really because the department is so overworked, the real problem about the Planning Department is that it does not do any planning. We do not really have an Island Plan. What we have is a map that shows the various zones where you either can build or cannot build, or you can build under certain circumstances or the priority will be either for you or against you and it depends on whether it is a bright idea or you are an agriculturist, and so on. Many of us are familiar with the general rules but I have to tell Members that, speaking as the Minister for Transport and Technical Services, I should absolutely support this because rezoning of green field sites for housing - and let us be clear, if it is a sheltered home or a twilight home or a home for life it is still housing development and it is still building something on a field that was formerly a green field. Of course, that leaves us all, does it not, in the chill winds of election year, between a rock and a hard place because we all want to support our green countryside. I totally espouse, I am sure, the values of the Rural Alliance. Their motives, undoubtedly, are quite right, but, on the other hand, we all need to recognise the need or, possibly, it is the demand - they are slightly different - the demand/need for housing. Where is it going to come from? So, let me go back to my position as Minister for Transport and Technical Services. Green field sites for housing are a disaster in terms of traffic management. They generate far more cases of car ownership and

far more car trips than development in the urban conurbations. It is quite a radical multiple. So, the more you build out in the green fields of this Island the worse you are going to make our traffic. I am sure Members will recall how Deputy Le Fondré confounded me and my department not so long ago when he asked for all the statistics about how many additional homes had been generated in the west of the Island, how many cars did that mean and what additional trips did that entail. Both the Transport and Technical Services Department and, ultimately, the Planning Department, were essentially at a complete loss to determine what the multiplier effects of all those individual planning applications for extensions, extra bedrooms, and so on, were. It is another known failure in how our planning system functions. I also favour the approach being suggested by the Deputy of Grouville and because, clearly, if we back-off from green field sites it puts the pressure on developing brown field sites which, in my view, is precisely where we should be going if we had a coherent planning strategy. Similarly, I can briefly lecture Members on how transport strategy, in terms of buses, for example, would wish to favour - if there was to be development out in the countryside - development on areas where there are already existing and popularly used bus routes. St. Martin's village and Maufant are both good examples of areas of development that are well served by public transport. What the department would seriously recommend against is what has been described as the "pepper-pot" approach which is sprinkling stuff around wherever we think we can get a bit of development in. Regrettably, that has been, over the years, the approach of the reviews of the Island Plan. It has been very much painting by numbers, filling in the gaps; where do we think we can get a little bit of extra space here without upsetting too many people. But, at the end of the day, I find myself constrained because of the wording I am faced with. I know that there are a number of Constables in the Chamber who have some jolly excellent projects lined up that will help with problems for sheltered housing, that they are aware of demands within their own Parishes. Can we sit here and effectively knock those on the head, at least for 4 years? I think that is a pretty tough call. After all, it is deciding how to call tough calls, that is why we are all supposed to be elected here in the first place. Nevertheless, I have to say, with regret, that despite all my general level of enthusiasm for the general merits of the Deputy of Grouville's proposition under (a) I am going to have to vote against that simply because it is too constraining on what is currently being mooted. Nevertheless, by the same token, I do wish to give adequate warning that anyone coming up with proposals for rezoning had better make sure they fit all the criteria and tick all the boxes because I certainly will not be in favour of sites, for example, that are away from sensible public transport arrangements, are not situated near shops with convenience for the elderly and so on. I will most certainly be against proposals that do not fit into the sheltered housing criteria. I sincerely hope that no one tries to sneak in alternative developments under the wire. In respect of (b), it really does fall very much into the same category as (a). It really, I think, ties the hands of 2 Ministers rather too vigorously. I welcome part (c); that is eminently a good idea. The Minister for Economic Development has assured us - I know he has the ear of the Minister for Planning and Environment - that parts (d)(i) and (ii) are almost certainly likely to happen and are in train. But unlike the Minister for Economic Development I do welcome this suggested approach under (d)(iii), to include within the Island Plan review process, a managed exit strategy for the glasshouse industry of Jersey so that redundant or derelict glasshouses are removed, the sites restored to open land and, where appropriate, rezoned for housing. I have to say to Members it is my personal opinion that the way glasshouses have been allowed to fall apart all around our Island is a subject of absolute and utter disgrace. It is a tragedy, frankly, and we all know the background. There is an opportunity for an agriculturalist to make some good money out of growing tomatoes, let us get the glasshouse up, let us keep it warm and oh, dear, the price of fuel moves and suddenly this is not such a good idea any more. We have to get out of the business and despite all the warm promises, of course, if anything ever goes wrong we will put the field back to agricultural use, it somehow just does not seem to happen. In fact, far more convenient is it not just to leave the glasshouse there knowing that the glass panes will, one-by-one, fall out of the roof, crash to the floor, smash to pieces and ensure that that ground cannot be used for agriculture again and, regrettably, we will need to apply to the Planning Department for a change of use to put some

houses there. Which is jolly handy because I have just retired and I need the money to supplement my pension. The same applies to agricultural sheds. It is a good old game and I see the Deputy of St. Ouen is more amused than most. **[Laughter]** He has least half a dozen sheds and I know why he is shaking his head like that but I doubt his application is going to be that easy to get through. It is a fact that...

**The Deputy of St. Ouen:**

I would like to just clarify a number of situations. I think the Deputy is totally misleading this House and he is making light of the fact that people in the industry are unable to continue and have to find alternative...

**Deputy G.W.J. de Faye:**

I thank the Deputy for his intervention. I still frankly keep to a position that, yes, there may be one or 2 unfortunate cases but the reality is if you have an agricultural shed or a glasshouse it is looking good for a potential bonus as a retirement offering. Let us also not forget the subsidies that went in at the beginning, kept them going and will probably be used to bail them out anyway. So, I think, yes, let us entertain (d)(iii). It is a jolly good idea and whichever way it goes we should certainly come up with a strategy to deal with the problem. Which brings me to the last item which is (e) and, of course, that is, I think, a very sensible approach and we should support that. So I do ask the Deputy of Grouville if she would consider, when it comes to the vote, being prepared not to take this as *en bloc* but whether we would, as Members, have an opportunity to vote on the proposition in sections.

**11.1.24 Senator F.H. Walker:**

I will focus on paragraph (a) of the proposition because that is really in many respects, as most speeches have acknowledged, the niche of it. Sir, I am one of those who believe that the Deputy of Grouville, without question, has brought this proposition with the best of intentions and has presented it very well. It does appear logical, it feels right that we should do this. Of course we all want to protect our Green Zone and by its very subject matter it feels right. The problem is it has 3 very deep flaws all of which, in various speeches, have already been referred to. There is the question of delay because that is all it achieves in terms of timing. There is the question of adding to the already very high price of housing in Jersey, which is totally contrary to the stated wishes of this House, and there is the fact that it ignores the need that already exists. So I have to say I have been astonished by some of the speeches, particularly from J.D.A. (Jersey Democratic Alliance) Members of this House who, apparently, although on other occasions they are seen to vigorously represent housing tenants and others, who are here prepared to speak and, presumably, vote in favour of a proposition which will sentence still more and more people to a lifetime of rental and remove the opportunity they might otherwise have to buy their own home. **[Approbation]** I think it is awesome that they seem to be completely forgetting the aspirations and the needs of those people and also the aspirations and the needs of many of the elderly in our population who need to change their form of accommodation if they are going to live their last so many years in comfort and security. I cannot believe that they are just prepared, in the light of this proposition, to ignore - or apparently ignore - those needs. The Housing Needs Survey, as we have heard, will be produced at the end of this month and we do not yet know what it will tell us, but even if it tells us that we think there is a need or an increased need, if this proposition goes through we simply will not be able to meet it. We will not be able to meet it and that cannot be right. Yes, we want to protect the Green Zone but on the other hand we have a duty to look after the people who require housing, who want to own their own house and/or who need to downsize or move into secure lifelong accommodation. There is no doubt that we need a coherent Island Plan. Of course we need a coherent Island Plan but as we have heard that will not be with us now until, at the earliest, 2010 which means - as the Minister for Planning and Environment says in his report - that no buildings under the Island Plan, no housing under the Island Plan, will be deliverable until 2011 or 2012.



Now what happens to the need that we have in the meantime. Yes we need that coherence long term but there is a need today which needs to be fulfilled and if this proposition goes through it will not be capable of being fulfilled because this proposition - and I pick up a point made by Deputy Le Hérisier - removes, effectively, the flexibility that this House currently has to meet need as and when it arises. I will come back in a minute to the wording of the proposition and the fact that it only requests the Minister of Planning and Environment. Sir, could I also deal with the argument about economic growth and so on. That is not what this is about. This is not where the need is. The need is from existing young Jersey people or existing elderly Jersey people. It has nothing to do with continual economic growth whatsoever and that is a complete and total red herring. This is for young Jersey people who aspire to own their own home, entirely in accordance with the policies of this House. This is about elderly people who need to move into a different type of accommodation to secure their final years in comfort and security. It is not the States who would have to wait if this proposition is successful; it is them; and it is them that we would be letting down. It has nothing to do with how Members feel about waiting. It is those people whose needs we would be unable to fulfil if this proposition goes through. If this proposition goes through and the cost of housing goes up still further we are sentencing quite a number of those people not just to waiting a few years. We are sentencing them not to be able to own their own home ever; again, entirely contrary to the policies - and the correct policies - of this House. We have heard: "Well, it is only a request to the Minister for Planning and Environment so he could bring a proposition to the States." Well, yes he could but what we have got the proposer and others looking for is jam on both sides of their piece of bread because they are saying on the one hand: "We, in effect, want a blanket ban" but on the other hand: "Oh, well, it is okay, because if the Minister for Planning and Environment is supported by a Constable or prompted by a Constable, it is okay because if he feels it is necessary he can always bring a proposition to the States anyway" in which case what is the point of the proposition? Talk about trying to have it both ways. There is absolutely no point to the proposition whatsoever because that is exactly what would happen today. You cannot have it - the proposal lovers cannot have it - both ways, Sir. They cannot say they want a blanket ban or suspend all proposals, which is what the proposition says, but on the other hand: "Well, it is okay. The odd one, if supportable, well maybe we could support that." Well, of course, that is exactly as I said where we are today anyway, so it is a pointless proposition. It is a costly proposition in terms of house prices and the capability of people to own their own homes and it ignores the need that currently exists. So, Sir, I would say to the States, it is not a proposition in the interests of those people that we could possibly accept. I do absolutely support the view that we should be, for housing needs, developing brown field sites, perhaps even building higher. That, Sir, is a planning issue and I have no doubt that the Minister for Planning would ensure that that is done before he came to this House with any proposition to rezone a green site. He would only do so, I believe, in extreme circumstances and he would certainly only do so, to quote Deputy de Faye: "If it ticked all the boxes." But what we cannot impose on him and impose upon the people who need housing is a blanket ban which is, in effect, what this proposition calls upon us to do. It achieves nothing. It will add to the cost of housing and it ignores many of the needs of many of the vulnerable people in our society who we are pledged to protect. So, Sir, I urge the House to vote the proposition out.

#### **11.1.25 Deputy S.C. Ferguson:**

Yes, I do agree with the sentiment regarding green field sites. Warren Farm was my first real triumph, I think. Unfortunately, I do not have the same confidence in the new Island Plan as the Deputy. I attended a number of the breakout groups and the consultant was overtly focusing on St. Peter and St. Brelade as development possibilities and development areas so I think I have quite a battle brewing there. It is obviously going to be a 3-brick event. I am a little concerned about the proportionality of the total suspension in paragraph (a). If we cannot rezone anything then presumably, even a request for an agricultural shed for a genuine farmer is disallowed. So this could well stymie development in what is one of our key industries but I think, if I might ask the Deputy Bailiff, I am correct in thinking that, am I?

**The Deputy Bailiff:**

I think that is a legal matter for the Attorney General. What you are saying is, even if there is no rezoning, so it remains a Green Zone can the Minister for Planning and Environment grant planning permission for a shed?

**Deputy S.C. Ferguson:**

No. If I have a farm in a Green Zone and I want to put up an agricultural shed, which I suppose is a tiny little rezoning, will I be able to do that?

**The Deputy Bailiff:**

Well, I do not think it is a rezoning. It is a question of an application in the Green Zone. In other words, it is possible for the Minister for Planning and Environment to grant permission in a Green Zone but only in very exceptional circumstances. What he normally does is if he has a large piece of Green Zone he wants to rezone he brings it to the States.

**Deputy S.C. Ferguson:**

So, is there a *de minimis* that we are talking about here?

**The Deputy Bailiff:**

Perhaps we should ask the Attorney General. I do not think I ought to get involved in this.

**Mr. W.J. Bailhache Q.C., H.M. Attorney General:**

The position, Sir, under Article 19 of the Planning and Building Law, paragraph (3): “The Minister may grant planning permission that is inconsistent with the Island Plan but shall not do so unless the Minister is satisfied that there is sufficient justification for doing so.” In other words, if there is an application which is consistent with the Plan one would expect him to grant permission. If not, one would expect him not to grant permission but he has the discretion to grant it if he is satisfied there is sufficient justification.

**Deputy S.C. Ferguson:**

I think I am totally confused now. **[Laughter]** I thought Deputy de Faye was being rather cynical about the glasshouses. I do know farmers who are wanting to buy glasshouses but these are being held on to in case they can be used for developments and therefore silly prices are being asked. So, I suppose perhaps, in regard to that, I am suggesting that glasshouses should not be rezoned for housing except in very exceptional circumstances. In fact, almost never. Basically, I am not really sure. **[Laughter]** I am now totally confused. I think I am probably inclined to reject (a) because I do not like being blocked into a corner with no possible flexibility but I think much of the rest of the proposition I agree with.

**Deputy P.V.F. Le Claire:**

Could I propose the adjournment, please?

**The Deputy Bailiff:**

Can I just inquire? I have not, in fact, seen anyone else who wanted to speak at the moment so... there are 2 other Members at least who want to speak, so does the Assembly wish to adjourn or carry on?

**Senator P.F.C. Ozouf:**

I propose that we carry on, Sir, and deal with this debate this evening.

**Deputy P.V.F. Le Claire:**

We did plan for being in the States tomorrow and as has been the custom for people who arrange their family life at 5.30 p.m. if there is more than one speech to occur and a good summing-up to

occur I would think it is wise at least to consider adjourning for the evening and I would like to ask us to...

**The Deputy Bailiff:**

I will put it to the Assembly. Can I just inquire, in order to help the Assembly, just how many other Members expect to wish to speak? I have certainly seen 2 there. Are there any others? It looks as if there are 3, plus summing-up. Therefore, I think I will take the proposition of Deputy Le Claire to adjourn. **[Approbation]** **[Interruption]** Now, the way I suggest is the proposition is to adjourn, so if you wish to adjourn now you vote pour, if you think we should carry on to complete this debate you should vote contre.

**Deputy J.A. Hilton of St. Helier:**

Excuse me, Sir. Can I just say, I thought the States Assembly made an agreement several months ago that we would adjourn at 5.30 p.m. There are some of us here with school-aged children and we are expecting to be back tomorrow. **[Interruption]** I think it is unfair to call...

**The Deputy Bailiff:**

I am sure you will vote accordingly then, Deputy, but at the end of the day it is, under Standing Orders, a matter for the Assembly as to whether to carry on or not. Now, if you wish to adjourn you vote pour, if you do not you vote contre. Is the appel called for? Yes, the appel is called for so the Greffier will open the voting.

<b>POUR: 33</b>		<b>CONTRE: 9</b>		<b>ABSTAIN: 0</b>
Senator L. Norman		Senator F.H. Walker		
Senator T.A. Le Sueur		Senator P.F.C. Ozouf		
Senator P.F. Routier		Deputy A. Breckon (S)		
Senator M.E. Vibert		Deputy of St. Martin		
Senator T.J. Le Main		Deputy J.B. Fox (H)		
Senator J.L. Perchard		Deputy J.A. Martin (H)		
Connétable of St. Ouen		Deputy J.A.N. Le Fondré (L)		
Connétable of St. Mary		Deputy of Trinity		
Connétable of St. Peter		Deputy I.J. Gorst (C)		
Connétable of St. Clement				
Connétable of Trinity				
Connétable of St. Lawrence				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Saviour				
Deputy R.C. Duhamel (S)				
Deputy J.J. Huet (H)				
Deputy G.C.L. Baudains (C)				
Deputy R.G. Le Hérisier (S)				
Deputy G.P. Southern (H)				
Deputy S.C. Ferguson (B)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy D.W. Mezbourian (L)				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy A.J.D. Maclean (H)				

Deputy K.C. Lewis (S)				
Deputy of St. Mary				

**The Deputy Bailiff:**

The Assembly will adjourn until 9.30 a.m. tomorrow. [INSERT VOTE TABLE]

**ADJOURNMENT**