

STATES OF JERSEY

OFFICIAL REPORT

MONDAY, 27th JUNE 2011

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[14:30]

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

STATEMENT ON A MATTER OF OFFICIAL RESPONSIBILITY

1. Statement by the Minister for Economic Development regarding Jersey Post

The Bailiff:

Now, before we return to the Island Plan, the Minister for Economic Development has given notice under Standing Orders that he would like to make a statement and it seems this would be a convenient moment to do it before we recommence. Minister, would you wish to make your statement?

1.1 Senator A.J.H. Maclean (The Minister for Economic Development):

Under the Postal Services (Jersey) Law, the Minister for Economic Development has an obligation to ensure that postal services are provided both within Jersey and between Jersey and the rest of the world. In order for Jersey Post to fulfil its obligations, it is important to ensure that it has sufficient financial resources available. In recent weeks and months, a material threat to Jersey Post revenues has emerged with the potential to impact on these obligations. Members will be aware that in his budget statement on 23rd March this year, the U.K. (United Kingdom) Chancellor of the Exchequer announced changes to V.A.T. (Value Added Tax) Low Value Consignment Relief, more commonly known as L.V.C.R. Under the current L.V.C.R. arrangements, items imported into the U.K. from non-E.U. (European Union) jurisdictions with a value of less than £18 do not attract U.K. V.A.T. currently levied at 20 per cent. The Chancellor announced that with effect from November 2011, the limit would be reduced to £15 and that furthermore, Her Majesty's Treasury would be consulting the E.U. with regard to further changes to L.V.C.R. aimed at reducing or eliminating V.A.T. losses. The particular focus of the U.K. Chancellor's action was the import of goods such as CDs and DVDs from the Jersey and Guernsey online retail or fulfilment sector at prices below the L.V.C.R. threshold that generated what the U.K. Treasury consider to be significant V.A.T. losses. Jersey's fulfilment sector is an important contributor to the economy which we must seek to protect. The sector directly employs approximately 1,000 staff, the majority of whom are locally qualified. Since 2005 when the issue of V.A.T. losses to the U.K. became a prominent issue in the U.K., my department has been in active discussion with the U.K. Treasury and has taken action to ensure that abuse of L.V.C.R. is not a facet of the Island's fulfilment sector. Since the Chancellor's speech, we have worked closely with Senator Cohen in his new external relations role which has opened up valuable access to U.K. Ministers and senior officials. In addition, the Channel Islands Brussels Office is working at E.U. level to ensure that E.U. officials have a thorough and accurate understanding of the fulfilment sector in both Jersey and Guernsey before any decision is made on action that could have a detrimental impact on the fulfilment sector in both Islands. However, despite our best efforts, there is still a material risk that the U.K. Treasury and the E.U. will take action that could threaten the sustainability of the sector in its current form. If this were to happen, it could result in a significant loss of revenue to Jersey Post. This is a complex area which, at least in part, is impacted by factors over which we have no direct control. However, in the area of postal regulation, I do have the power to act. I am determined that in discharging their role as postal regulator, the J.C.R.A. (Jersey Competition Regulatory Authority) has a fully developed view of the current and future market. Indeed, given the role of postal services within our community, I consider it in the public interest. Therefore, under Article 9(1) of the Postal Services Law, I have today issued a direction to the Jersey Competition and Regulatory Authority to undertake a full review of the current and future market conditions that may impact on Jersey Post, given recent changes and future risks to the market that I have outlined to Members. My overriding objective in issuing this direction and the review is to determine whether, as Minister, I am meeting my obligations under Article 8 of the law. In directing the J.C.R.A. in this manner, I understand that

this will restrict the J.C.R.A.'s ability to award any further Class 1 postal licences until the review is complete.

The Bailiff:

Does any Member wish to ask any questions of the Minister?

1.1.1 Deputy R.G. Le Hérissier of St. Saviour:

Would the Minister not accept that there is a total contradiction in that he was warned, the J.C.R.A. were warned, that to allow this business to be tendered for, let alone to allow the business to exist, was going to pose considerable problems? Does he not feel that his apparent defence of Jersey Post at the moment is rather hollow?

Senator A.J.H. Maclean:

No, I do not agree with the Deputy at all. It is certainly not hollow. It is meeting obligations that I believe under the Jersey Postal Services Law that I have. I do not think it removes the threat of competition at all. I do not think it removes the need for Jersey Post to ensure that they are efficiently operated and drive through efficiency changes that are absolutely necessary and review their business model. I think it is absolutely essential that those things continue to happen. Nevertheless, I think it is right at this stage that this action is taken.

1.1.2 Deputy D.J.A. Wimberley of St. Mary:

The problem is, Minister, that the licences have been issued. That is the problem. The Minister is going to restrict the J.C.R.A.'s ability to award any further Class 1 postal licences. Did the Minister and his department not see this coming?

Senator A.J.H. Maclean:

The Deputy is correct. Licences have been issued. There are indeed more under consideration, but this is very much more than just that. This is not just about issuing of licences. This is about fundamental changes to the postal market. This is also about changes that are driven from outside of Jersey over which we have little control. L.V.C.R. I have clearly mentioned and there are other changes which are impacting upon the viability and sustainability of postal services, not just in Jersey but around the world.

1.1.3 The Deputy of St. Mary:

A supplementary, if I may. The question was about the ability of his department to see things coming.

Senator A.J.H. Maclean:

Well, the department clearly does not have a crystal ball. Nevertheless, I believe that we have acted responsibly in this matter. Since 2005 when L.V.C.R. first became a significant issue, we have acted appropriately. We have introduced the film policy. We have sought to protect this particular sector and we will continue to seek to protect this sector so I believe the department has acted absolutely appropriately.

1.1.4 Deputy G.P. Southern of St. Helier:

Just for the sake of clarity, will the Minister state which rival companies do have a current Class 1 licence and which have their applications suspended? How many are we talking about?

Senator A.J.H. Maclean:

There is, aside obviously from Jersey Post, other Class 1 category licences, numbering 2 in total at the moment, and others are under consideration, as the Deputy is well aware.

1.1.5 Deputy G.P. Southern:

Okay, and to confirm, this is not the Dutch or German Post Office bids? This is the 2 small companies that are competing for fulfilment business effectively?

Senator A.J.H. Maclean:

No, it is not.

1.1.6 Deputy P.V.F. Le Claire of St. Helier:

The Minister has stated that this industry affects 1,000 people in relation to employment. Is that the total amount of people that are employed in this industry and if this industry is under threat, what active steps are being taken by his department to find those people alternative employment if their industry stops being?

Senator A.J.H. Maclean:

First of all, I think I should make it clear that no job losses have resulted at this stage. Simply we are forecasting that there are potential risks in the future and that is the purpose of the direction. So there have been no job losses.

[15:00]

Also, this is a Channel Island issue. We have been working closely with Guernsey and there are jobs of a similar nature, not quite as many, in Guernsey. If, in due course, job losses are likely to result from any structural changes, then, of course, the department will work together with other Ministers and other departments such as Social Security to address those issues and find work for those that may be affected.

1.1.7 Senator A. Breckon:

I wonder if the Minister could tell the Assembly regarding Low Value Consignment Relief whether £18 or the euro equivalent is a European Community thing and it cannot be changed unilaterally by the U.K.

Senator A.J.H. Maclean:

In fact, the U.K. can change down to as far as 10 euros but across the E.U., that is the minimum standard currently so the U.K. have some flexibility to reduce further L.V.C.R. Currently it has been reduced or will be reduced from November this year to £15. They could reduce it down to the equivalent of approximately £8, dependent on currency exchange.

1.1.8 Senator A. Breckon:

Can I follow that up and say that the Minister has just given a figure across the European Community. Is the U.K. proposing to do it across the European Community or to the Channel Islands?

Senator A.J.H. Maclean:

Yes, the U.K. can go across the European Community as far as their decision is concerned for imports into the U.K. They have latitude across the E.U. to do it as far as 10 euros.

1.1.9 Deputy M.R. Higgins of St. Helier:

Deputy Le Claire asked the main question I was going to ask, but the second one I was going to ask was again this has not come out of the blue. Will the Minister tell us what correspondence or meetings he has had certainly in recent months with the U.K. Government on this issue? It has not come out of the blue, it has been going on for some time, but what are the most recent ones and what have they said?

Senator A.J.H. Maclean:

It has not come out of the blue. As I have said a moment ago, we have known about the issue of L.V.C.R. and the threat since 2005. There was a fulfilment policy put in place at that stage. There were 16 or 17 companies who were misusing the U.K. tax system who were expelled from Jersey as a direct result, so it is not unknown. In recent times, we have had, since the budget speech and prior to that, contact at ministerial level and with senior officials in the U.K. and we will continue to do so in order to fight Jersey's corner, make sure that our proposition is well understood and that we support our local fulfilment industry, which is greatly valued.

1.1.10 Deputy M.R. Higgins:

A supplementary. Can the Minister tell us whether those meetings were taking place before we allowed the J.C.R.A. to issue the first set of licences that were issued?

Senator A.J.H. Maclean:

I think I have made it plain that this is not an issue just in relation to competition. This is an issue in regard to the change in market dynamics. Conversations have been going on with regard to L.V.C.R. since 2005 with Treasury officials and they will continue to go on. More recently, they have been stepped up as the matter has changed and accelerated from a political point of view in the U.K.

1.1.11 Senator F. du H. Le Gresley:

As the review will include a review of the ongoing financial viability of Jersey Post, does the Minister envisage that we may have to have States funding to keep Jersey Post going?

Senator A.J.H. Maclean:

That is a matter to date that the Minister for Treasury and Resources has made clear, that subsidies would not be made available to Jersey Post. Clearly, in the future, that may well come to a position where it might have to be a decision of this Assembly as to whether or not that was deemed to be an appropriate future course.

1.1.12 Connétable G.F. Butcher of St. John:

Given that the J.C.R.A. have given licences to other operators with a view to trying to drive down prices for the general public, does the Minister's department monitor the fulfilment industry as to whether their prices have dropped?

Senator A.J.H. Maclean:

I am not sure what prices the Connétable is referring to. Is he referring to the retail price of products being sold or indeed postal charges?

1.1.13 The Connétable of St. John:

No, it is the postal and delivery charges because I buy a certain amount on line and I have seen no change at all.

Senator A.J.H. Maclean:

All I would say is that the success of the fulfilment industry demonstrates, and the fact that we have the companies we do operating out of Jersey, the revenues that they are generating, that the postal costs are acceptable and have supported a growing sector.

1.1.14 Deputy P.J. Rondel of St. John:

Given the J.C.R.A.'s costs are covered by the various operators and having gone down the road of breaking up our postal services the way we have, is the Minister happy that, shall we say, the millions or the hundreds of thousands it costs to run the J.C.R.A. is good value for money? Would he consider returning us back to a single operator? I know it is probably not possible.

Senator A.J.H. Maclean:

In reverse order and simply, no. Yes, I do believe the J.C.R.A. have done a splendid job in the Island. They have adapted to the Island economy and I think they have delivered incredible value for consumers in terms of driving down prices generally. So I think we should continue to support them and we will continue to support them.

1.1.15 The Deputy of St. John:

Supplementary. In supporting them, it is costing each and every one of the people who have letters, et cetera, additional funding to keep the J.C.R.A. in place by the fees they charge.

Senator A.J.H. Maclean:

Yes, clearly there is a cost to regulation and that is fully understood but the cost in terms of stamps, which I think the Deputy is alluding to, is driven by far more factors than just the J.C.R.A. and that must be borne in mind.

1.1.16 Senator S.C. Ferguson:

Given that the U.K. industry and the U.K. Government appear to have overlooked changes in the market, is there not a conflict for Economic Development supporting changes in the market when these will adversely affect Jersey Post in the long run?

Senator A.J.H. Maclean:

Changes are occurring in the market from external forces outside of Jersey. That is the first point that I would make. Secondly, I think it is absolutely right Economic Development to get the balance right in terms of supporting businesses and supporting sectors. Jersey Post have to run a sustainable financial model that has long-term sustainability and I certainly believe that they have started the process in terms of driving efficiencies, but clearly it appears that there is a great deal more work to be done to meet the challenges as we move forward in the future.

Senator S.C. Ferguson:

Supplementary. But the effect is ...

PUBLIC BUSINESS - resumption

2. Island Plan 2011: approval (P.48/2011): fifty-sixth amendment (P.48/2011 Amd.(56))

The Bailiff:

I am so sorry, Senator, the time has run out. Very well. Now the next matter then, just before we return to the Island Plan debate, is that the Minister for Planning and Environment has lodged a 56th amendment, which hopefully is on Members' desks. He will need to obtain the consent of the Assembly for it to be debated so do you wish to make that request of the Assembly?

Senator F.E. Cohen:

Yes, I wish leave of the Assembly to debate Amendment 56. It is as a result of recent advice that I have received and, consequently, I wish to withdraw 3 sites from the rezoning policy, field 1219, field 785 and De La Mare Nurseries.

Deputy G.P. Southern:

Will the Minister take this opportunity to fully explain what appears to be an absolute bombshell of an amendment which has thrown into disarray his proposals for the Island Plan? It is owed to the Assembly to give some fuller explanation of why he has taken this action now. I would be grateful if he would. Is that possible?

The Bailiff:

It would be helpful, Minister. I am afraid this will come as a surprise to Members.

Senator F.E. Cohen:

Certainly, Sir. I did distribute a note earlier to Members to explain the reason but I will now detail a little further and I will be repeating it again in my speech, so I am sorry if I repeat it. During the States debate on the Island Plan, as a result of legal advice I received via my officers on Thursday, it became apparent that there is a potential risk that a requirement by the Planning Department to deliver a specific mix of categories of housing under the H1 Policy could be challenged. It is possible that a Planning Department designated mix could be challenged on the grounds of the reasonability of the designation. The advice is that it is difficult to quantify this risk at the moment. Therefore, the prudent and cautious approach, in relation to these privately-owned sites, is that we withdraw them from the Island Plan for the present, that we form a group of the relevant departments and interested States Members to revise the H1 Policy and, if necessary, bring back a revised H1 Policy together with rezoned sites at a later date when the work is completed, and it was my proposal that any Member who was interested in participating in the review work should make themselves known and they would be included in the group.

The Bailiff:

Very well. Does any Member wish to say anything on whether to allow the Minister to have this amendment debated?

Deputy J.B. Fox of St. Helier:

Just one question. How does this affect the current process that we are going through for this Island Plan? Are we still able to pursue it and confirm it or does something else now have to happen as we have a gap?

Deputy R.G. Le Hérissier:

Without trespassing into the merits of the revamping of the policy, nevertheless, it is a vital part of the Minister's argument that somehow by getting a group of people together, he will overcome the obstacles that have been put in his way at this point. Can he tell us how more substantial progress is going to be made at that point than is going to be made at this point?

Deputy M. Tadier of St. Brelade:

Again, not wanting to talk on the substantive amendments because we are likely to be debating them shortly, I just have to comment on how these amendments and the fact that it is being brought now at the last moment - I understand the circumstances, of course - will potentially and I am sure completely change the whole dynamics of the Island Plan as a whole. The issue is we cannot go back now to the beginning of the Island Plan. Clearly, time travel is not possible though if it were, we would wish it would be possible in a forward direction, I think. But the bottom line is, which of us knows how we might have voted back then if we had known what the Island Plan was going to be as a whole now as it is being presented towards us? So it is a very unsatisfactory situation. I am not sure if it was avoidable. Perhaps the Minister will clarify that in summing up but it does seem that this changes what we have before us in a very fundamental way.

The Deputy of St. Mary:

The previous speaker said the Minister's summing up. I thought this was a statement and so far we have had 10 minutes of questions. We have not heard a single answer yet.

The Bailiff:

It is not a statement, Deputy. He is requesting the Assembly to allow him to have this amendment debated.

The Deputy of St. Mary:

That is fine, Sir, and I seem to remember Deputy Southern asking whether the Minister should not make a statement to explain this "bombshell", as he put it, so that Members could ... my

understanding was that Members could then quiz him a little bit and then we would all be in the clear before we come to the debate because a debate is a very unsatisfactory way of having questions answered.

The Bailiff:

The Deputy may have used the word “statement” but what he was really asking for was elaboration from the proposer of the reasons for this late amendment. Carry on, Deputy, please.

The Deputy of St. Mary:

So what I was going to put to the Minister - I do not quite know how this all fits together now because it is all very unprecedented - but my understanding of what the Attorney General was telling us all yesterday was that such declarations by the Planning Department would be likely to sustain challenge, provided they were justifiable. We are now being told that on the day before we were given that advice, his department had had advice which was different. So I for one am bamboozled and unsatisfied.

Deputy G.P. Southern:

Yes, if I am going to vote that the Minister can bring this amendment, although obviously it is of concern to him that he does, given his advice, I want a very clear picture of what difference this amendment makes in terms of what can and cannot be delivered, if that applies to even the number of houses that can and cannot be delivered as a result of us eventually in the next who knows how long passing the Island Plan overall.

The Bailiff:

Yes, well, then I ask the Minister to reply.

Senator F.E. Cohen:

This is described as a “bombshell”. It is not a bombshell. It relates only to 3 particular sites and it is a matter of taking a prudent and belt and braces approach. I will mix the answers together to try and give a clearer explanation. The advice that I received via my officers on Thursday was that while there was no certainty that there could be a potential problem, that there was a risk and I have further examined the issue since and have taken further detailed legal advice. The answer is that there is a potential risk but it is difficult to quantify the risk. So rather than take the risk, as it makes little difference to the general dynamics of the Plan, I would remove the 3 sites.

[15:15]

That would simply mean that instead of delivering a total of 1,240 homes during the period of the Plan, of which 500 would be social rented and 500 Homebuy 2, we would be delivering 1,140 houses during the term of the plan of which 450 would be social rented and 450 would be Homebuy 2. The group would examine the existing H1 policy. They would take detailed and further legal advice. They would decide whether or not it was appropriate and necessary to bring forward an amendment to redefine or better define the H1 policy and, at the same time, would consider whether or not they wanted to bring back these 3 sites for further consideration by the States Assembly. So, effectively, the net effect of this is we lose 50 social rented housing from the plan, 50 Homebuy 2 houses from the plan on a temporary basis only. We go off, we look at whether we can deliver an improved policy and whether it is necessary to deliver an improved policy and then we bring them back to the Assembly before the end of the year hopefully for a final decision. So effectively it just pulls them out of the plan and I do not see it as a bombshell.

Deputy A.E. Jeune of St. Brelade:

I do not know if it is appropriate at this stage to ask the question but it is I think a point of clarification. Is the Minister saying that these 3 sites that he is pulling out will then become trigger sites like we were talking about last week?

Senator F.E. Cohen:

They could become trigger sites but more likely that once the group has completed its deliberations and decided on the way forward, that one or more or all 3 of the sites may be brought forward by the Minister for rezoning at the time or subsequent to a revised H1 Policy.

The Bailiff:

Very well. All those in favour of allowing the Minister to have his amendment debated, kindly show? Those against? Very well, the Assembly agrees that it may be taken. Now, having considered the matter, it seems to the Greffier and me that logically this must be the next matter to take because this will affect the wording of Deputy De Sousa's amendment, which was going to be the next amendment so it seems to me the Minister must be allowed to make his first. If he succeeds, then field 1219 will come out, in which event, Deputy De Sousa's amendment is not necessary. If he fails so that field 1219 is still in, then, of course, we will proceed to Deputy De Sousa's amendment. So, on that basis, Minister, perhaps you would like to propose the 56th Amendment.

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

During the States debate on the Island Plan, as a result of legal advice I received via my officers on Thursday, it became apparent that there is a potential risk that a requirement by Planning to deliver a specific mix of categories of housing under the H1 policy could be challenged. It is possible that a Planning Department designated mix could be challenged on the grounds of the reasonability of the designation. The advice is that it is difficult to quantify this risk. Consequently, I have decided not to run the risk and I am proposing the withdrawal of the 3 sites previously suggested for rezoning. These are De La Mare Nurseries Grouville, field 785 St. Ouen, and field 1219 St. Helier. They could have delivered 50 social rented houses and 50 Homebuy 2. I will immediately set up a working group under the Treasury, including Housing, Planning and interested politicians to examine the issue and to bring back to the Assembly any revisions to the policy, should these be required, together with any site for proposed rezoning again, should these be required. I would be grateful if any Member who has an interest in participating in this group would advise me as soon as possible and, indeed, Deputy Le Claire has already advised me that he would like to be involved and he is most welcome. I distributed a note last night to Members laying out the estimations of required affordable housing during the 10-year life of the plan. This substantiates taking this cautious and prudent risk-limiting approach as even without the rezoned sites, we will still deliver over the life of the plan an estimated 450 social rented homes, 450 Homebuy 2, 70 first-time buyer and 185 lifelong homes for sale, being in total 1,140. I commend this prudent amendment to the Assembly.

The Bailiff:

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

Deputy G.P. Southern:

Yes, a point of clarification, I think, as to the nature of the challenge. Is it a matter of equity in treating H1 sites in a certain way when you have got a set of rules about H3 sites which you are treating in a different way and, if so, does that open up the H3 sites as open to challenge on a similar principle to the challenge that is potentially there on the H1 sites or is it a fundamental question of a right to enjoyment of possessions in that there is a serious question about the reasonableness of telling somebody they have got to build so many social rental houses which do not make a great deal of profit from that possession?

The Bailiff:

Is that your speech, Deputy?

Deputy G.P. Southern:

It was intended to be clarification because the Minister said: "I have got a legal objection" and did not explore it at all and I want it explored.

The Bailiff:

Are you willing to give clarification at this stage?

Senator F.E. Cohen:

Yes, most certainly, Sir. The issue is a question of fairness. I am not lawyer and I am describing this as I understand it as a layman but that there is a question over whether the Planning Department could legitimately, on H1 sites, create a designation that, by its nature, may not deliver anything like maximum value for the site and whether, for example, if the Planning Department required the designation of a particular site at 50 per cent Homebuy 2, which will be sold at about £250,000 and 50 per cent social rented, which would be sold at less than £200,000, whether the owner of the site would have a legitimate expectation, bearing in mind Article 1 of the European Law on Human Rights, to come back and say: "That is not fair. I would like to have 25 per cent first-time buyer on the site or 25 per cent lifelong homes open market, both of which are worth well in excess of £400,000". So rather than run the risk and rather than effectively rush through something that has now been questioned, it is better to delay to work on the policy. It is not essential to the core of the plan to deliver it now and to bring it back at a later time once we have had time to work on it with the advice of the Law Officers. In relation to the H3 sites, as I understand it, it has no effect whatsoever on the H3 sites.

2.1.1 Deputy J.M. Maçon of St. Saviour:

Unfortunately, Deputy Martin is not here today but she did make the point earlier in this debate that Members should be wary of different Members making promises during planning debates and what may and may not come from it. However, I accept the Minister's point that if we have a policy that we are not sure about, then it makes sense not to be giving planning permission for that which we cannot guarantee. But I feel there is perhaps a more fundamental question about the whole H1 policy and therefore its implications about adopting the Island Plan as is. The Minister has said we do not want to rush this through but if we adopt this amendment, the implication is that the whole of the Island Plan, when voted for, is adopted and therefore we are accepting a policy which we are not entirely sure about, which concerns me greatly.

2.1.2 Deputy D.J. De Sousa of St. Helier:

Just firstly to let the Minister know, I would like to be on this panel in the future, please. Where does this leave for clarification all the other debates that we had last week on the rezoning?

2.1.3 Senator J.L. Perchard:

I assume, just so we know exactly where we are, if these 3 sites are removed from the draft Island Plan, the sites will, in fact, be Green Zone in the new Island Plan and I assume that that is the case. My question then is what does that do for the integrity of the Green Zone policy? I am just going to quote from the policy NE7 of the draft Island Plan, the first and last paragraph and it says: "Green Zone. The areas designated as Green Zone on the proposal map will be given a higher level of protection and there will be a general presumption against all forms of new development for whatever purpose." The final paragraph says: "Development proposals that are potentially permissible exceptions to the presumption against new development in the Green Zone will only be permitted where they do not seriously harm the character of the area." Our Green Zone policy must mean something and if we are going to come back in a year's time, 6 months' time and say: "Let us put 400 houses on the Green Zone", it really does mean that we have got a 10-year Green Zone

plan that means very little. I am worried about this. In fact, I am worried about the whole housing policy of this plan and I do wish Deputy Power had maintained his amendment because I think I would have supported it. We have got a policy being manufactured as we go and I do not know what to do. I will support the Minister but it just means our Green Zone policy now is a folly.

2.1.4 Deputy M.R. Higgins:

Again, it is 2 questions of the Minister effectively. I would like to know how long he expects this to be delayed so we can get a indication of timeframe, and secondly, would he explain whether this blows a hole in the Council of Ministers' alternative to the Deputy of St. Mary's land development tax because, after all, they were looking to try and get a gain from the land they were doing in the mix of housing and surely if this is not going through in this way then the land development tax is the only alternative?

Deputy G.P. Southern:

May I, at this stage, ask if the Attorney General can attend because I would like to hear the legal situation from a legal mind rather than a layman's mind to my layman's mind.

The Bailiff:

Very well, yes, we will ask him to come over.

2.1.5 Senator P.F.C. Ozouf:

I rise to briefly support the prudent approach of the Minister for Planning and Environment in dealing with this issue. I believe that it is absolutely correct that we do not take the risk that we could have taken in rezoning parcels of land with an H1 site that potentially has a difficulty. I believe that out of this, we can get something even more positive. We have learned a lot from previous approaches of planning obligations by the 45/55. We have learned a lot in relation to dealing with the owned affordable homes from Homebuy and from first-time buyers and others. I believe that we can put together a cross group of Housing, Treasury, Planning, together with some Back-Benchers, to work up a policy for H1 that will be robust and will deliver the aspirations of many Members of this Assembly, which is to achieve the quite legitimate and rightful dream of home ownership for more Islanders as a result of the H1 Policy. H3 is separate to this. That has a role too but I believe the H1 Policy can be looked at too and the Minister has asked me to get involved. I am more than happy to do so from the previous experience I have had but also perhaps to bring the economics and the Treasury view of "hawkishness" in relation to grabbing land value as a result of rezonings and directing that towards affordable homes and I commit myself to promising - Deputy Maçon says people should not promise in the Assembly - I promise to work very hard in working with other Ministers and other Back-Benchers to find a solution to H1 which is robust and delivers what this Assembly wants.

2.1.6 Deputy M. Tadier:

I am glad that the advice of the Attorney General has been asked for because essentially this is a legal issue that we are dealing with. It is a legal minefield and it is not a simple political decision that needs to be made today. Senator Perchard, I think, is quite correct. He has asked essentially where does this leave the Island Plan, although he has then come up with a strange conclusion: "But of course I will support the Minister". I am not sure how those 2 are linked and I would say to Senator Perchard in reality if he has got those many concerns, that he is not obliged to support the Minister if he thinks that the wrong decision is being proposed here. The other problem is it does not simply just undermine the plan and the integrity of the plan. It also undermines the autonomy and the authority of this particular Assembly because we know that the decisions are going to be made by a future Assembly and I think even when the legal advice is brought back in the next proposition and the feedback from the smaller working group is fed back, that is very unlikely to be this session, I would have thought, so this is already an issue.

[15:30]

I am worried that we are debating an Island Plan which has been researched and amended and there has been lots of work done on it on both sides by Ministers, by perhaps Scrutiny and the Back-Benchers in conjunction with consultation in the Parishes only for something to be pulled which is of significant importance. Being called a “bombshell” was not endorsed by the Minister but it is a significant amendment that we are embarking on here. Other questions need to be asked. I think if essentially we are saying this policy is open to legal challenge, then presumably it has been open to legal challenge for quite a long time and so what has happened in the past, the cynical part of me, or certainly the sceptical part, which I think is necessary in any politician, says are we being sold something correctly here? Is it perhaps that the Ministers know that these proposals here are unlikely to go through anyway this time in the Assembly because we know that there has been so much scepticism and so much opposition for many different reasons about rezoning greenfield sites for housing anyway? Would it not be better to simply leave those in the plan and to reject them for good political reasons rather than very ambiguous smoke and mirror type legal objections, which I think have been concocted at the last minute, if I am honest. It seems to me - and again like the Minister I am not a lawyer - that there is always an element of reasonability because the rights for enjoyments of one’s property, whether that be a house or a field which is possibly going to be developed, is qualified. We know that and there is a very strong element of reasonability on what the Government can do; and of course the Attorney General is just coming in now and he will be much better qualified than I to speak on that matter. But certainly that is my understanding of it. Let us give an example; if the States said we need 200 - let us call them non-profit houses and expensive houses with lots of profit because that is essentially what they are - we need a mixture of these; it would seem to me it is entirely reasonable for the States if they are engaging 4 or 5 different developers to do things on a pro rata basis. So if they need half and half of a mixture then each site is asked to produce pro rata a mixture of those houses. Then, of course, the free market element of it, the negotiation of it as to whether the developer and the landowner think there is enough profitability on the site to produce that, then they can go ahead and do it. It would only seem unreasonable, in my humble opinion, if we were to say to one field owner: “You can build 75 per cent profitable homes” and another field owner: “You can only build 25 per cent profitable homes”. Of course that kind of thing would be open to legal challenge but I do not see those kind of propositions coming out from a very sensible Planning and Environment Department in the first place. So I think there is a risk that we are being sold a pup here. I would ask what is the actual underlying issue here. It will be interesting to hear from the Attorney General I think in general terms about the qualified aspect of the enjoyment of one’s property; how likely it is that legal challenges will be put to reasonable conditions from the Planning and Environment Department; and also whether those legal challenges would be likely to succeed. Again, just to emphasise the fact that it is this Assembly which is debating the current Island Plan, and I do not think certain aspects of it should just be pulled out for certain reasons, which may not be genuine, if I can just about get away with that, or not necessarily be the best founded, let us say. The other thought that just came into my head - and I will finish with this - just because a developer does not get the permission to develop the houses he wants, or the landowner does not the get permission to develop that land that he wants to, there is no obligation as far as I understand on the owner simply to develop the field. If somebody cannot build the amount of houses or the types of houses on the field that they want to then they can simply keep that field as a greenfield. It does not seem to be an obligation for them to have to develop. So I leave that. I am not going to support this amendment because I think we need to debate it on its merits, both politically and legally, in the form it is being presented to us. The Island Plan needs to be considered in its entirety, we cannot simply take parts out. If we are not happy for these parts to be rezoned let us simply vote against it, but keep them in the Island Plan and we can also consider the advice of the Attorney General.

The Bailiff:

Perhaps, as the Attorney General is here, this would be a convenient moment to ask him if he can help. Mr. Attorney, I do not know whether you have been listening on the radio but we are debating the 56th amendment, which the Assembly has been advised has been presented because of legal concerns over whether what was previously proposed could be achieved. I think the Assembly wanted to hear the basis of this legal advice, what are the concerns, the legal advice?

Mr. T.J. Le Cocq Q.C., H.M. Attorney General:

I will apologise to the Assembly if I do not address the points precisely as they have been made because I am conscious that there may well have been questions that have arisen during my perambulation from my office to here. Affordable housing is not as itself defined in any particular way, either within the statute or anywhere else that has legal force. There are a range of models; social rented housing; first-time buyer and others, which can fall within the definition of affordable housing. The purpose, as I understand it, of creating land within the policy H1 for affordable housing is primarily that the kind of mix that the Minister would think is appropriate for various types of affordable housing can be achieved. In other words, the Minister can say: "I think that this particular mix is the correct mix." If it is the case that the Minister, in looking at any particular application, wishes a particular mix of housing on a site and he does so on the basis of evidence of considering the material considerations and exercising his judgment, then it is unlikely - in my view - that can be challenged before the courts. But it is not impossible that it be challenged before the courts. It seems to me that any condition placed on the nature of a development engages Article 1 of Protocol 1 of the European Convention of Human Rights: the right to full enjoyment of property. Whereas that is a qualified right, by which I mean that right can be interfered with if there is a public interest for the public good, that interference must of its nature be both necessary and proportionate. It seems to me that there is some risk that a particular mix of affordable housing could be challenged as being unnecessary, not proportionate in the light, for example, of the overall portfolio of properties available to the Minister for dealing with affordable housing. There is some risk. So I could not say to the Assembly that any particular mix the Minister might hit upon would be sustainable before the courts. The Assembly, I think, has asked or mentioned in the last few minutes about the level of that risk. It is impossible at this point to quantify what the level of this risk is for 2 reasons; (1) that there is no guidance is available from authority within Jersey relating to this particular question; (2) each will inevitably turn on its individual facts and until all the individual facts are known it is impossible to say whether there is a tenable and reasonably strong argument. My view at the moment is that there is not a strong risk that any particular mix of the Minister, if properly evidenced and justified, would be susceptible to challenge; but there is a more than negligible risk - perhaps less than very significant risk but a more than negligible risk - that is possible. I am not sure that I can assist but I suppose the corollary of that is that there is a more than negligible risk in my opinion that the Minister cannot in any particular case deliver the particular mix on sites that he might otherwise wish to do. It is very difficult to be more categorical than that.

Senator T.J. Le Main:

Could I ask a question of the Attorney General? Does this come out of a concern of the mix that was changed at La Providence where a developer certainly was looking at the unfairness of that mix being changed compared to the other H2 sites?

The Attorney General:

I can say with confidence that is not the case because I did not have that forefront of my mind. This is an analysis that comes from first principles.

Deputy P.V.F. Le Claire:

Could I ask a question of Her Majesty's Attorney General? After this debate we are going to enter into the debate on the North of Town Masterplan. I did inquire of the Minister if any of these in

relation to the H3 policy and the H1 policy would transmute into that debate and I was assured by the Minister that was not the case. Is there any risk that what is coming up in the North of Town Masterplan may also have implications for the Assembly?

The Attorney General:

I am sorry, I would have to look at that quite separately, I am not able to advise on that at this point.

Deputy P.V.F. Le Claire:

Can I ask the Attorney does that before we commence the debate on the North of Town Masterplan please?

Deputy G.P. Southern:

The question that I would like to have answered is: is this a fundamental challenge in terms of the right to the enjoyment of property or is it one of equity in that we have one set of policies for H3 sites, with a range of quotas that might be used to build social rental housing - which is the one that makes least profit - compared to the H1 sites where we have got a different quantum of social rental housing that might be requested to be delivered; and is it a question of equality or parity between those 2 or is it simply a fact of having established that there is a need for social rental housing? The Minister says, let us say: "I want a 50/50 split between that and all of the type of affordable housing" whatever that means, and that is the one that produces less profit and less enjoyment for the property owner; and if he were to change that from one site to another would that be the challenge?

The Attorney General:

It is the latter analysis that has formed the basis of the advice I have given the Assembly. This is not a comparison of the interplay between H1 and H3; it is an analysis of the potential consequences of H1 as it relates to specific sites.

Deputy T.M. Pitman:

It is not a question for the Attorney General, I just wanted to raise the possibility of a reference back because it is fine for the Minister to talk about working groups and H1 policy but listening to the Attorney General's advice - and it is very good advice - but it seems ...

The Bailiff:

Deputy, can I ask you to come back to that because there are a number of Members who want to ask questions of the Attorney General so we will get all those dealt with first.

Deputy M.R. Higgins:

Is the Attorney General effectively stating that we need to resolve the question of what is and what is not affordable housing first and arrive at a formal policy rather than leave it to, in one sense, the opinion of the Minister; so we have got a policy to which we are working to and people can test? Is that the starting point?

The Attorney General:

I was not going so far in the advice; I think one of the questions that will need inevitably to be considered is what models fall within the umbrella term of affordable housing. But I do not think I can advise any further than that; clearly there is a whole range of models, some of which will produce a higher financial return to the potential developer than others.

Deputy M.R. Higgins:

Just following through, if I may; if, for example, the States came up with a policy for affordable housing, which was a policy adopted by this Assembly and it was there for everybody to do and the

Minister just applied that policy, would that be less susceptible to challenge if it was enacted by this Assembly?

The Attorney General:

The Minister generally should give consent if it is in accordance with the Island Plan. If there is a policy contained within the Island Plan the law provides that generally the Minister will give consent to a development that meets with that policy.

The Deputy of St. Mary:

I think it is 2 questions; one is the Attorney General said that there was a non-negligible risk of a challenge and I would like him to have a stab - maybe it is not possible - saying what likelihood there would be of that challenge succeeding given that Protocol 1 Article 1 says quite specifically, and the inspectors refer to it in their report, makes express provision for States to regulate the use of property in accordance with the general interests.

[15:45]

So I would like the Attorney General to perhaps give a sort of percentage of the chances of success of such a challenge, because on the basis of that provision it seems that if the States decide through the Minister that a certain split is in the Island Plan and can be imposed provided it is reasonable et cetera and justified, then that appears to me to be very hard to challenge. The second question is: if this is not safe with regard to the H1 policy, my mind goes forward to related policies like the developer sites where we are going to be told that it is possible for the Minister to impose on developers or enjoyers of land certain requirements like 12.5 per cent commuted payments rising to 20 per cent. I would like the Attorney General to comment whether in ditching this particular baby we throw out the next one and the one relating to States-owned sites as well?

The Attorney General:

I think I got all of those questions. When lawyers say something might be challenged they are speaking shorthand and they normally mean something might be successfully challenged. So my advice is that there is a non-negligible risk of a successful challenge within the parameters that I have mentioned. I should make it clear that this is not certain black letter legal advice. This is a very tentative assessment and, as I understand it, the proposal to remove these sites is a cautious act designed to ensure that sites are not brought forward to go within this category until one is able to be much more clear as to the parameters within which they can be developed. The other question is if there is a policy adopted as part of the Island Plan then generally speaking - other than in exceptional circumstances - the Minister must give a consent in accordance with that policy. That is a statutory obligation on him and consequently I think it would be very difficult indeed to challenge a permission that is based on the clear words and restrictions and limitations contained within a policy adopted by this Assembly. The third of the babies in the bathwater relates to whether the remainder of policy H1 can continue. My understanding is the remainder of policy H1 applies to sites already established; or alternatively, sites which might potentially be in the ownership of the public. Of course very different considerations apply to sites in the ownership of the public because sites in the ownership of the public are not going to be challenged as to a particular split. So I would not have thought - unless I have misunderstood the position - that H1 of itself does not continue. There is no, to my mind, interrelationship between the advice given in connection with H1 and the legal position in connection with H3.

The Deputy of St. Mary:

Could I ask a question in response to that? I just want the Attorney General to clarify; he said it would be very difficult to challenge a requirement by the Minister, I think, or a policy of the Minister in respect of a certain site if it is based on a policy that is in the plan. What was that exactly in relation to; because what we are talking about would be in the plan in the same way that

all 3 would be in the plan, the impositions on developers with regard to commuted payments will be in the plan if we vote them through and so will the H1 splits be in the plan; so I am not quite sure why there is a problem?

The Attorney General:

As I understand it, what would be in the plan if these particular sites remained as part of policy H1 would be that they were for category A housing. There is a range of potential models as to what might constitute category A housing and the potential difficulty - and I do not want to overstate its importance in any way at all - but the potential difficulty to the level of risk that I have set out relates to the split between the various models of category A housing that the Minister might wish to put on any particular site.

Deputy S. Power of St. Brelade:

The Attorney General will remember 5 minutes to-ing and fro-ing last Friday on a scenario I painted to the Attorney General about a social rented housing site and how it could be challenged. Can I just ask the Attorney General this: he has just said that the definition of affordable housing is not clear, per se, and that is why he used the phrase “non-negligible risk” which essentially means it is a double negative, which means there is a risk. So I would put it to the Attorney General that if the Island Plan is not clear or if he is suggesting that the definition of affordable housing is not clear in what we are debating now, this section on housing; then I would suggest the question is this: we have some of the finest legal minds on the Island with some of the finest legal brains here in Jersey in the legal profession; would you not agree that they will find holes in this Island Plan and challenge it in the Royal Court because of the lack of definition, because of the fact that the definition of affordable housing is not clear?

The Attorney General:

I think I have already advised that in my view it would be helpful to have greater clarity with what is meant by affordable housing; because naturally any lack of clarity in any kind of instrument gives rise to the potential for people who feel that they want to do something other than the instrument provides to make an argument in the courts that uncertainty should be resolved in their favour. So I think I am answering yes, roughly, to the general point; but I just do it in that way.

Deputy P.V.F. Le Claire:

It is along that vein; I attended the conference by Hanson Renouf on Thursday last week with Deputy Power and a Q.C. (Queens Counsel) was there, Richard Humphries, who provided us with some information, and that is why the questions I asked in the Assembly on Monday sort of strayed into these areas about judicial challenge and legal challenge in the Royal Court. I would just like to have an understanding, because I think I am going to propose a reference back when I speak; but in this first instance what I would like to know is from these slides if this is the case. The 2002 law requires the Island Plan must be revised within 10 years and my first question is: if we revise this back will that negate that? The second question is – the Minister prepares, must seek representations, the States debate and decide whether to approve, Article 3 and Article 4; not a legislative act of the States, therefore, judicial review is permissible. This is the important second question really; part one of the Island Plan: “A written statement of the Minister’s policies in respect of the development and use of land together with a recent justification of each of those policies. Policies may designate land to be used to provide residential accommodation for persons who would otherwise have financial difficulties renting or acquiring residential accommodation in the general market for residential accommodation prevailing in Jersey, Article 4.” Part 2 details maps, et cetera. So land may be designated for affordable housing. The provision of affordable housing is clearly a relevant consideration; focus, therefore, likely to be on reasoning and evidence to support. That is the slides from the Q.C.; so what he was saying there, if I can ask the question, is if we do not have clarity and approve this plan today are we not, therefore, failing in our duty to

have the Minister's clear written representation and reasoning behind the policy of H1 in any plan that we subsequently approve today?

The Attorney General:

The obligation on the Minister is to present a draft revision to the Island Plan to the States for approval within 10 years; so provided it has been presented to the States for approval - which it has - within 10 years, I do not think if the 10-year period were to be passed that would necessarily be problematic. I am not sure, with respect to the Deputy, that I fully understood the second part of his question. I apologise for that.

Deputy P.V.F. Le Claire:

I am sorry but I think it is quite important. I will paraphrase what I am concerned about; in the slides that I have - and I can give those to the Attorney General - basically what is written out for me in part one is that the Island Plan requires a written statement of the Minister's policies in respect of the development and use of land; particularly in regard to affordable housing. Unless those policies are clear - and at the moment they are certainly not clear - then we are basically opening up a whole range of approvals and denials in the future, potential challenges on the grounds that the policy we are being asked to approve today is by no means clear.

The Attorney General:

I am grateful to the Deputy for repeating it. It is entirely correct that the Island Plan can include designating land for the use of people who would have financial difficulties in renting or acquiring residential accommodation in the general market; that is Article 4.4 of the law. That is, as I understand it, what the various parts of the draft Island Plan on affordable housing are intended to do. I believe the second part though of the Deputy's question really is a comment on how much exposure, how much risk is there, and I do not think I can go any further than the answer that I have already given to the Assembly.

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

I am still trying to get my head around some of the comments we had earlier on. I would like to take the Attorney General back to his comments I think in relation to H1 on a potential risk. If I have understood it correctly, part of that risk relates to the proportions allocated to any particular site of affordable housing and the types of affordable housing. Could he just clarify that and then I would like to come back with a second question.

The Attorney General:

I work on the assumption that in connection with any application the Minister will wish to specify a mix, perhaps a very unbalanced mix depending upon his view of what needs are in connection with any particular site. The question that I am considering is whether or not any particular mix is susceptible to challenge; for example, if an individual could show that there is demand for first-time buyer housing, would that individual be in a position to challenge the Minister's preferred risk, which may predominate in favour of social rental housing, for example? That is the risk that I am looking at when I answer this question and that is the risk that I have categorised as more than negligible but perhaps less than substantial.

Deputy J.A.N. Le Fondré:

That is what I had understood. The reason I ask that is the Attorney General then, I believe, commented that he did not think there was too much of an interaction between H1 and H3. But the query I would like to ask is, could I ask the Attorney General's opinion, do you have the Island Plan to hand? On page 255 of H3 and the second paragraph of H3, because is that not a similar problem or is it the fact that it refers to Supplementary Planning Guidance and gives the Minister the power to do that, that then strengthens the ability of the Minister to do that; or does that risk that the Attorney General has opined for H1 similar under that paragraph in H3?

The Attorney General:

I wonder if I may take a few moments just to consider that, if that would be convenient.

The Bailiff:

Very well, then I had seen next Deputy Le Claire to speak in the debate.

Deputy P.V.F. Le Claire:

Sir, I wonder if we could maybe take a 5 or 10 minute break because I would rather not speak before the Attorney General has considered the response and maybe it might be appropriate to take a 5 or 10 minute adjournment.

The Deputy of St. Mary:

I did have another question to the Attorney General, and on a different tack.

The Bailiff:

Deputy Southern had one too, yes.

The Deputy of St. Mary

It is on a different tack but it is relevant to the way this is going now. My understanding was that the 2002 Plan runs out in some meaning of that term; what happens if this new plan as amended does not get approved by the end of this year? Is there some sort of problem or does the other one just roll on?

[16:00]

Deputy G.P. Southern:

The Attorney General has talked about if the developer can prove a demand is the Minister allowed to impose a political direction other than demand on the type of housing that he requires to be brought? The second thing I would like to be clear on is the Attorney General has said that the Minister is unlikely to be challenged if policy contained in the Island Plan is clear. Is he saying that the policy is not clear apart from the absence of a clear definition of what is and is not affordable housing? Are those 2 questions clear?

The Bailiff:

Do you want to answer the questions if you can immediately Mr. Attorney, while they are fresh in everyone's minds? It is really only Deputy Southern's question I think, because the Deputy of St. Mary withdrew his.

The Attorney General:

In terms of the question or to elaborate slightly on what I mentioned about an individual applicant establishing demand. That is, of course, within the context of an application that is made on a site that is allocated for category A housing, affordable housing. So, it is demand not as such, but demand as between the various types of affordable housing that might be the case. The question that I have been addressing is whether, for example, if the Minister believes that there is demand for a certain type of affordable housing, but the applicant says: "Look, there is also a demand for another type of affordable housing", if the Minister's preferred split is susceptible to a challenge. I do not wish the Assembly to take my advice to be that it definitely would be, even that it is likely to be or anything of that nature. Merely that there is a risk in any particular case that that could happen. It would be a mistake of the Assembly to assume that the advice I have given has disclosed a major difficulty with the ability to defend any kind of decision that the Minister has made. That is not the case. I am giving a very modest assessment of the risk indeed and I would not wish the Assembly to take my advice in any other sense. The second question was, I think, if there is policy set out in express terms within the Island Plan does that make the position better?

The answer is, to my mind, yes it does. If there is an express policy it is part of the Island Plan and the Minister has to give consent that is in accordance with the Island Plan. That seems to me that that inevitably improves the position.

Deputy G.P. Southern:

If I may just follow that up; is the Attorney General suggesting that the policy being brought forward now is insufficiently clear as to open up this risk of challenge as well as the absence of a definition of affordable homes?

The Attorney General:

My comments are restricted, I think, in effect, to the definition of affordable homes. It is the split within the concept of affordable homes that has given me the reason to advise the Assembly in the way that I have.

Deputy P.V.F. Le Claire:

I would like to make not too long a speech and I would like to end up by proposing a reference back to the Minister.

The Bailiff:

Just before we do that, Deputy, you did say you wanted to have the answer to Deputy Le Fondré's question before you spoke.

Deputy P.V.F. Le Claire:

I thought you were not allowing me to ... I would like to understand as much as possible, even listening to it. It is advice we are receiving and putting Her Majesty's Attorney General under a significant degree of pressure. I think he may have the answer now. If he does not, I propose that we could have a short adjournment, so that he can give us it.

The Bailiff:

Mr. Attorney, would you like 5 minutes to consider Deputy Le Fondré's question?

The Attorney General:

I would be very grateful for 5 minutes, Sir.

The Bailiff:

Does everybody agree we should adjourn for 5 minutes?

Deputy P.V.F. Le Claire:

We are not ridiculous. Could I propose we reconvene back here at 4.20 p.m.? How is that, Sir?

The Bailiff:

How long do you need, Mr. Attorney? Shall we say quarter past or when the Attorney General tells us he is ready? Very well, we will adjourn briefly.

SHORT ADJOURNMENT

[16:18]

The Bailiff:

Very well, we return to Deputy Le Fondré's question.

The Attorney General:

I am grateful for the short time to be able to reflect on it. The question, as I understand it, is whether the advice that I have given would be the same for policy H3, given that in the third paragraph it is clearly a reference to the Minister limiting the validity of planning consents for sites

to which this policy applies by condition, the extent of which will be set in supplementary planning guidance. The difference, to my mind, which would make my advice in connection with H3 different is a question of degree. The H3 policy relates to sites where already only a very limited proportion of that site will be devoted to affordable housing; 12.5 per cent, as I read the policy, moving over a period of a number of years to 20 per cent. It seems to me that a decision by the Minister to put a particular division of affordable homes within a very limited part of a site, up to 20 per cent, is much less susceptible to challenge as an interference than a more general description relating to a whole site. I would not wish to suggest to the Assembly that my view is that there is a hugely material risk in any event, but the risk is very, very much smaller in my opinion in connection with H3, because of the small percentage of the site that is in question.

The Bailiff:

Very well, we return to the debate.

2.1.7 Deputy P.V.F. Le Claire:

A week ago last Thursday, I believe, the Minister for Planning and Environment issued a Supplementary Planning Guidance press release on the H3 policy. At the same time the *Jersey Evening Post* was carrying the banner headline “Housing Crisis” on the front page. It highlighted the independent inspectors’ view that we were in danger, as a States Assembly, of collectively failing in tackling the housing crises if we did not adopt a plan that had provision for housing. Moreover, in their second report, which was published in May, on page 6, it highlighted what would be the shortfall in terms of affordable housing if Gield 1219 was removed. In their view, and it is stated quite clearly in their second report in May, that there would be only 50 houses delivered over a 10-year period, which they went on to say was a significantly poor provision in relation to the fact that States Members need to take cognisance of the housing crisis today. Now, when I withdrew my other H1 sites this week, and then I went on to support the Connetable of St. Peter, I was of no doubt whatsoever that if there was a problem with one there would be a problem with all. It is difficult to take on a sliding scale the advice of an Attorney General, no matter how much one tries to take on board everything that is being said. It is difficult to try to weigh that up in establishing: “What does that risk mean?” But it is interesting that the question that has just been answered by the Attorney General in relation to Deputy Le Fondré’s point. The Attorney General was able to say: “The risk is very, very much smaller, much less susceptible to challenge, in relation to H3. The risk is very, very much smaller.” If it is very, very much smaller, how large was the risk in H1, in relative terms? While I would not want to misinterpret or misquote or mislead the Assembly in my interpretation of what Her Majesty’s Attorney General has told us, he did say it was impossible to quantify the level of risk, no guidance is available necessarily. Until all the facts are known, in his view, and on site specific issues and while until it is before a court one cannot know those things. It is also important I think in relation to third party appeals, in relation to what is being built, and those could be open for challenge as well. So, we have got significant concern expressed not only by the Minister himself in proposing this amendment, but also in my view there is something larger than the H3 risk. Therefore, by definition it must be very, very much larger, otherwise H3 could not be very, very much smaller. At the conference, which I mentioned on Thursday, by Hanson Renouf, an eminent Q.C. was present who highlighted some of the duties and obligations the Minister has under the law. I highlighted those and passed them to Her Majesty’s Attorney General for his consumption for future consideration. But it does draw out some issues about past challenges, U.K. challenges, in relation to adequate progression of policies in relation to how one is determined whether or not they are economically viable and whether or not the Minister has given more than just token consideration. Therefore, those challenges, in my view, and as was highlighted by the conference, they could be on practically anything that came forwards. On Monday I asked questions of Her Majesty’s Attorney General in relation to the plan. We skirted into areas around these issues. More comments came during the week. On Monday for the first time, although we have been told by the Minister for Planning and Environment that there

is no need to worry about the findings in the second report because there has been an addendum issued by the Island Plan people we can all relax. Well, in the addendum that they issued, they highlight the fact that they considered a statement by the Minister for Treasury and Resources during the States of Jersey Development Company debate on the appointment of Directors. Reviewing the information that they received and confirming with the clerk to what they had reviewed, there was in fact no statement at all. There was not even the full speech of the Minister. Which, if there had been, they might have had cognisance of the fact the Minister spoke about the States being, and I paraphrase this, effectively strapped for cash at the moment, and that the States of Jersey Development Company would, in effect, in the future be operating in a commercial way. The 3 planks in relation to building housing in this plan, the windfall, the States sites, these 2 policies, are what we are being told is the way forwards. I can assure Members sitting on the Planning Applications Panel that we very, very rarely get applicants before us that are asking us to consider issues in relation to the environment. They are practically entirely about building things. So, in my experience, the Island Plan is really there to have cognisance of the issues and the policies around our environment, but they are mainly used in day-to-day practice by people who are developing and building. So, on Monday we saw comments from the Treasury, which the independent inspectors had not had cognisance of. In those comments it highlighted quite specifically that not only if States sites were used for affordable housing, the value of those sites would possibly decrease and also that would then have ongoing impacts upon the States capital programme where these properties were valued to underwrite future capital programmes. I have made the point already that the last time we did any numbers on this plan, that I can ascertain in any real measure, we are looking 2006/2007, updated in 2010 perhaps. But some number that in my view have been based, and also in the proposition quite clearly, upon 150 heads of households - I have already mentioned this before - totally taking into no account the fact of what has been happening in reality and trying to base the ability to deliver on these sites in increased density. But, if we have doubts around what we can increase in density and if we have doubts about what we can ask the developers to give us in relation to affordable housing then I think that that is really a signal for us to be minded to send this back to the Minister in its entirety. We have seen recently the 54th amendment, which came about because of H3. Deputy Power, Deputy Le Fondré and I were concerned, along with the industry, about the provision. So much so, that the Minister agreed to lodge the amendment and to fully consult with the industry. They did that. They were doing that on Friday evening at the Design Awards. That was then subsequently amended, I believe, by Deputy Le Fondré's or the Minister himself under the pressure of Deputy Le Fondré certainly ... that any of those consultations which were going to deliver the 12.5 to 20 per cent would have to come back, once they had been worked through to the States Assembly for approval. So we were already in that position before today.

[16:30]

We were already in that position on Friday. We were told today, on Thursday the Minister had received legal advice and on Friday we saw the Attorney General giving us legal advice and then the Minister giving us advice he had had, and there was some challenge about who was getting which advice and what advice was relevant to whom. I am just concerned that because the States-owned sites themselves are a valuable asset connected with the Future Capital Programme of the Assembly that we need to be cognisant of what we are going to achieve out of this. There is already a whole host of questions around that that I will not bore Members with. Then on Sunday we get an email at 10.22 p.m. on Sunday evening with the Minister setting out where these affordable homes were to be found within the next 10 years. As much as I have been trying to give my all to this, I literally took my first day off in several weeks over the weekend and I did not have time to study this last night.

Senator F.E. Cohen:

It was written in the simplest terms. Thank you.

Deputy P.V.F. Le Claire:

I do appreciate the Minister wrote it in simplest terms, probably for my benefit, but even I get tired and sometimes I cannot even read some of the simplest of emails and I was very tired at the end of last week. As much as Members have been getting emails from me I have not had a chance to continue to evaluate those sites and those areas that the Minister gave us. In fact, I challenge any Member to tell me by standing up immediately after me unless they have them written out, where were they? Where were those houses? How were they going to be delivered? I am sorry, this plan is a year and a half late. I think that is a direct result of the comprehensive spending review cuts the department made. We are yet to see the energy policy or the air quality strategy in similar veins; years and years behind. We have got officers that have been giving their all, that are working outside here in this antechamber and they have been working, I am told ... well, they must have been working as late as me, because I was getting emails back at 2.00 a.m. sometimes. So they have been working ... and on top of the questions I have been asking them they have had to field all of the other questions. I just feel that the department ... and I have evidence that before in my earlier speech from one of the planning officers saying they have not been able to bring up the numbers. My final point is this; I think that the States needs to send the plan back to the Minister. He has carried out his duty in bringing a plan before the demise of 10 years, but in my view, with the greatest of respect to the Minister, who I have a great deal of respect for, I do not have any respect at all, whatsoever, for this plan. I am sorry. That is what it is about. It is not about disrespecting the Minister. It is about recognising the failing of this plan. It has not been worked up adequately. We are literally months away from an election where Members are voting, and I have evidence of that, because of their fear of approving something this side of the elections. We also know, collectively, that the census is 99 per cent complete and that census is going to give us very valuable information about household size, numbers in the population, age, sex, et cetera. All of those are important for helping us understand the position we are in today and the position we are going to be in in a year and a half's time. Like I say, I do have the greatest of respect for Senator Cohen and I also have great respect for Deputy Duhamel. Obviously I have not been very pally with them over the last few weeks, because I have been challenging them. They may not be too happy with me. But I am afraid that is the position I have been taking. I am not unhappy with them. I am just extremely unhappy with this plan. Because I have done the work into what is coming up in terms of numbers and I have got some hardship cases I can share with the public in great detail about the issues facing ordinary people in this Island today. As the independent planning inspectors say, there is no unit of accommodation in Jersey that is affordable to people on average incomes; no unit of accommodation. So, this terminology, affordable housing, needs to be sorted out. In fact at 1.00 p.m. today I received an email from the Jersey Property Holdings Department in response to a question I posed to them this morning. They say: "Dear Deputy, as far as Jersey Property Holding is aware there does not appear to be an agreed and approved definition of the term "affordable housing" in Jersey. The closest you get to it is in the current Island Plan 2002, section 8, Housing and the categories of housing, section 8.16. The term "affordable housing" is generally understood to encompass both low cost market and subsidised housing that is available to people who cannot afford to occupy homes generally developed for the open market. The extent to which housing is affordable will obviously vary by household, by location, and over time. I am led to believe that the Island Plan inspectors make further reference to it in the Examination in Public under section 37, but I do not have access to this document at present. Please let me know if you would like to have sight thereof. Further work may need to be done to ensure all stakeholders are working towards the same understanding and goals." In response to that concern that I had the officers gave me at 2.38 p.m. today this email: "I am not sure what the officer is referring to, from Property Holdings, with regard section 37 in the inspectors' report." So, they are not able to clarify for me what the other people are not able to tell me because they have not seen it. The Kelvin MacDonald report was used as the key document in developing the affordable

housing policy: “The definition of affordable housing is outlined in the draft Supplementary Planning Guidance of Affordable Housing. Definition of affordable housing for the purposes of policy H3.” Then they go on to talk about policy H3. But I spoke to them at the beginning of the week and I asked them for the Supplementary Planning Guidance in relation to what was going to happen for affordable housing and they said: “Well, it is not ready yet. We still have to sign it off with the Ministers. It is going to be about 2 weeks away.” Which is another week away from now. The last thing, Planning for Homes, which much of this document has been drawn up on, although it recognised that this document was widely taken up by the public who took a great deal of interest in it and great understanding was given by the people who completed this survey. The killer line in it all was when they reassessed all of these numbers they said: “Well, those aspirations and hopes can be dismissed, because these people’s hopes and dreams have been dashed by the recession; dealt with.” Well, that is not the way we must deal with our housing issues. That is in the report. That is practically verbatim what I have just said. I can certainly, if anybody wants to challenge me, stand up and quote it, because that is nearly exactly what they are saying. I would say this, I have confidence in Jersey. I have confidence that we are going to grow financially and I have confidence in the Ministers in relation to getting that business. What I do not have any confidence in is this Island Plan being able to deliver affordable homes. I would like to refer this back to the Minister to get better information from the census, to get better information from a new Planning for Homes document, which will be circulated ...

The Bailiff:

Deputy, if I could just interrupt for a moment. At the moment we are debating the amendment, so you can propose that the amendment be referred back, but you cannot propose that the whole plan be referred back until we get to the debate on the plan as a whole.

Deputy P.V.F. Le Claire:

I will leave it until then. I have finished my speech, thank you.

2.1.8 Deputy S. Power:

Just before I start, 2 Members asked me to clarify my reasons for withdrawing Amendment (27). That was the Deputy of St. Mary and Senator Perchard. This is to do with the amendment. It is very simple, this last Thursday week I attended the Affordable Housing Seminar as well at the Radisson hosted by Hanson Renouf. There were a series of speeches, series of presentations and after that meeting I mingled, as did Deputy Le Claire and one of the Assistant Ministers, with various members of the construction industry, various architects and other people, I was not quite sure who they were. Lawyers, Deputy Le Claire says. I do not know who they were. It was suggested to us that it might be a good idea to galvanise the support of the industry against the section on housing. That was on Thursday night. On Friday, Deputy Le Claire and I worked on that. On the following Monday, which was this day last week, there was an ad in the *J.E.P. (Jersey Evening Post)*, which called for a rally. Over the weekend support from within the industry dissipated, for a number of reasons that I do not have any control over or wish to comment on, there are about 3,700 directly employed workers in the construction industry. While we seemed to have had support on Thursday night and Friday that support evaporated over the weekend where myself and Deputy Le Claire were left on Monday essentially being told that those involved directly and indirectly in the construction industry were advised not to attend. So, on Tuesday morning, Deputy Le Claire and I decided to cancel the rally, because it was not going to achieve anything as everyone had been told to stay away. So, that was one reason. The second reason is the way States Members voted last week has been fairly predictable that while a number of us have voted for sites to be included most Members decided against having sites included and I felt that withdrawing the whole of Amendment (27), given the political mood of the Assembly last week, was the way it was.

The Bailiff:

Deputy, I understand you have been asked to speak about this, but can I bring you back to the Minister's amendment.

Deputy S. Power:

Yes. Okay, so that is the reason I withdrew it. Where we are on this one is I have on this particular amendment, and I am trying to keep up with all the amendments that are coming out of the department, I have a concern about definitions on H3, as has been outlined already by the Attorney General. I am not going to go over what we have just exchanged together. But I do think now that on the Island here we have some of the brightest legal minds on the Island, both in private practice and in public practice. If there are areas of inconsistency and lack of clarity within definitions on the H3 policy as to what exactly affordable means then I am not quite sure where we are.

Senator F.E. Cohen:

Could the Deputy clarify whether he is talking about H3 or H1?

Deputy S. Power:

Sorry, I meant to say H1, yes. So, I will just leave it at that for the moment.

2.1.9 Deputy R.C. Duhamel of St. Saviour:

Again, to use perhaps an unparliamentary phrase, we appear to be getting our knickers in a twist.

The Bailiff:

Yes, I am not sure how parliamentary that is.

Deputy R.C. Duhamel:

Underwear then; socks. **[Laughter]** That is better. Everybody should be able to laugh. It would appear that we are taking our eye off the ball at the moment. This is about an amendment to take out 3 sites temporarily of H1 category A housing sites, to do a bit of work collectively, added to by any Members who would wish to participate, and to come back at a later stage to redefine any terms that need to be redefined. When dealing with these policies we really have got to not go down into the nitty-gritty too much and attend to minute details and then miss the bigger picture. The bigger picture is the extent to which sites are going to be rezoned in order to provide affordable housing or category A non-affordable housing, presumably. Within H1 at the moment it does suggest that in recognition to the fact that there might well be protracted disagreements as well as agreements in bringing forward these sites that perhaps one way out might be for the sites to be zoned in such a fashion that they could be compulsory purchased by this Assembly to put them into States ownership. Indeed the bulk of H1, or the major part of it, does refer to sites which are already in the ownership of the States. I think that really is the nub of the amendment. It does not seem to me absolutely right that we should have both sites that are in the ownership at the moment temporarily and perhaps long term, I do not know, within the private sector on the one hand for category A and in the same policy sites that are in our own ownership, albeit that perhaps the policies attributable to both ownerships of the units might well be the same. So, I think what is being proposed is very, very simple. It is just to have a break.

[16:45]

It does not, in my mind, suggest that the plan is broken, that the plan is not going to deliver what we all want to be delivered, that we should send everything back to the Minister for Planning and Environment to start again, bearing in mind that this whole process has been ongoing for rather a long period of time; in fact probably a record amount of consultation has taken place. I think this is just a small final hurdle, which is quite acceptable if we read it in the right fashion. Six acres that are being referred to, built at the densities that were being spoken of for the other H1 sites, only delivers between 10 and 15 dwellings to the acre, between 60 and 90 units. That is not going to

break the bank and nobody is saying that these units will not be built at some point within the next 10 years. All of that is for the future, to be decided. Now, the Minister has said that he will be coming forward with Supplementary Planning Guidance to be published and to be adopted at a later stage. I think there is probably a fair point that perhaps it might well have been nice to have had all this supplementary guidance, in terms of defining what we all mean by affordable homes and this that and the other, beforehand, but that is not where we are. I think to suggest that reference back should be made on the basis that we do not have all of these particular documents in our hands at the moment, we would be referring back just for the pure sake of it and not moving the argument on, which is something that needs to happen.

Deputy P.V.F. Le Claire:

May I ask the speaker ...

Deputy R.C. Duhamel:

No, I would like to finish first and then you can interrupt. This Island needs to get its act together. For too long I feel that we have allowed the determination of affordable units of accommodation to be determined not by ourselves, but by building developers and the construction industry. We all know in our heart of hearts or in our heads that prices are far too high. We all would like to have proper truly affordable homes for everybody or for as many people as is possible. So, I think we are all wanting to move in the same direction and the Island Plan, as has been mooted at the moment, does give us an opportunity to do just that. I think if we can assist the consideration of this policy to go forward we have the assurances from all those Ministers who will be involved. It will not just be the Department of the Environment and the Minister for Planning and Environment, but will also be the Minister for Treasury and Resources, the Minister for Housing and indeed any of the other Members who are interested in participating in solving this common problem of ours to our satisfaction and then coming back to this Chamber, as we are going to do with a whole load of other parts, to get consensus from this Chamber that we are all marching to the same step. It makes sense and I can only reiterate attempts to derail it at this last moment without seeing the bigger picture do not really merit support. I would urge Members to continue to allow this policy to go forward in the way that is being proposed by way of amendment.

Deputy P.V.F. Le Claire:

May I ask a point of clarification from the speaker? He said that it would have been better if supplementary planning guidance had been brought forward, but it is not something we cannot get over and the fact that we have identified that now. This was in both of the E.i.P. (Examination in Public) inspectors' reports, this plan should not be debated until Supplementary Planning Guidance in these areas was already agreed. It was a submission of the Jersey Construction Council ...

The Bailiff:

What is your point of clarification?

Deputy P.V.F. Le Claire:

My point is, is he not in effect inadvertently misleading the Assembly in the words that he has just used?

Deputy R.C. Duhamel:

If I could answer that; I do not think I am. Everybody in this Chamber knows that planning is a process that goes on and Supplementary Planning Guidance is worked up for a whole host of different areas year by year. It is not necessarily something that has to be produced in one finished form every 10 years and then that is what we stick to and then we move on. Policies within the Planning Department do have a habit of evolving and Supplementary Planning Guidance is part of that evolution.

2.1.10 Deputy G.P. Southern:

In the light of what has been said, I do not believe I can vote for what is in front of us with a clear conscience. So, I think we ought to be indeed referring this 56th amendment back to the Minister. I will tell you briefly why the reasons for that are and I hope Members will agree that it is not safe to proceed at the moment. We have been told by the Minister that legal advice has been raised at the last moment to suggest that we may be opening ourselves to litigation and challenge on policy H1. We were told clearly by the Attorney General that the reason for that is the policy being brought forward is insufficiently clear and therefore open to challenge by any developer. The reason is that we have no clear definition of what affordable homes means. Effectively what we have done is we have lumped social rental, first-time buyer, deferred payment, whatever we want to call it, all into category A. The fact is, as we have been hearing throughout this debate, that social housing produces very little or indeed no profit to the developer, to the owner of the land. Whereas first time buyer should not be in the category affordable homes, because it is sitting there - first-time buyer homes - of the order of 15 to 17 times the average wage, it is clearly not affordable. We are told by the Minister in this amendment, brought at the last minute, that he says straightforwardly: "The specific proportion and type of affordable homes to be provided on H1 sites will be determined according to need, as set out in Supplementary Planning Guidance, to be published and adopted by the Minister for Planning and Environment." So, we need another document, which has not been produced, and this was an issue with the building trades at the seminar I attended too, which say: "And we go forward without this guidance, it was promised to us." Now, at the time the discussion, the debate, was all about H3 sites, and this relatively small amount towards social housing. Now we learn that the Supplementary Planning Guidance has to apply and must apply a definition to the H1 sites. That starts to become very significant, I think. The Minister says: "This guidance will specify the definition of category A housing and will be finalised only after endorsement of the States." So, the Minister said: "I am going to go away and do what I should have done already, just have the Supplementary Guidance in front of you so you know what you are voting for." He says further: "I will bring it back to the States and have it endorsed" by us and he also said: "I believe I can do that by the end of the year." The Minister is almost saying: "Refer this back to me. I can deal with it and come back to you and then you can go forward confident about what you are voting for." At the moment we do not know what we are about to vote for. There it is; definition of affordable homes needs defining. The Minister says he can define it, can define it in fairly short order and come back to the Assembly if it is accepted. So, I believe the motive, the incentive, that we need to give the Minister for Planning and Environment is exactly that; reference back of this amendment to say: "Get on with it. Come back with Supplementary Planning Guidance in short order" and then we can proceed to wrapping up the total bundle.

The Bailiff:

Can I just be clear, under Standing Order 83 I must not allow a proposal that a proposition, in this case an amendment, be referred back if the effect would be to prevent the debate on the amendment resuming at a future meeting. What that means is, as the Greffier ruled the other day, it has to be part and parcel of your proposal to refer back then that if it is passed the whole debate is suspended. What we cannot do is go on with the remaining debate, because then it would not be possible to resume the debate on the amendment because by the time the amendment came back the Island Plan would have been finished.

Deputy P.V.F. Le Claire:

I thought that is what I was doing when you stopped me.

The Bailiff:

Well, you were trying to refer back the whole plan.

Deputy P.V.F. Le Claire:

Well, in effect that is what is happening, Sir.

The Bailiff:

What Deputy Southern is trying to do is to refer back this particular amendment for further information. That is all we can do at this stage. But it would not be in order if in fact then Members decided to go on and continue to debate the proposition as a whole. Minister, do you ...?

Senator F.E. Cohen:

Sounds most sensible.

The Bailiff:

Yes. So, I think Members have to then accept that if they pass this reference back then the debate as a whole will have to grind to a halt until the further information on this amendment is produced. It can only be on this amendment. Deputy, do you make the proposition that ...? Very well, is that seconded? **[Seconded]** Well, on that basis, it seems to me, further information on this amendment is required, because it was suggested and indeed the Minister himself has suggested that the reason he is putting it forward is to get further information about the legal position. So, it seems to me that it is a proper request and therefore it seems to me it is a proposition which I must allow.

Senator J.L. Perchard:

I am not sure what the legal dilemma is here. This particular amendment does not seem to me to have a ... there is no legal dilemma in the sense that it is simply that the Minister is proposing to pull the 3 sites from the plan.

The Bailiff:

Senator, you may then vote against it. The Minister himself has said that the reason he is putting forward this amendment is that he does not want to maintain the current 3 sites, because he is not absolutely certain of the legal position. What I think is being suggested is that this amendment therefore should be referred back, so that before it is debated further clarification on the legal position can be obtained. That is as I understand it. The effect may be much the same as the Minister's original amendment, but that is for Members to decide.

The Deputy of St. Mary:

Can I ask for clarification on your ruling, because you seem to be saying that if ... or your ruling is saying that if we vote for the reference back on this amendment, amendment 56, which is about 3 sites, then all discussion about open space, about transport, about all the other things that we still have to debate, as amendments, and the plan as amended, all would fall in the sense that the Island Plan cannot be approved even though all we are trying to do or all that Deputy Southern is trying to do is say this particular amendment has to be referred back for more information.

The Bailiff:

The difficulty is Standing Order 83(2) which says: "The Presiding Officer shall not allow a proposal that a proposition" and that includes an amendment, so that the amendment be referred back, "if the effect will prevent the debate on the amendment resuming at a future meeting." Now if we go ahead and complete the debate on the Island Plan as a whole then, of course, it is not possible for the Minister to bring back this amendment at that stage because the plan will have been completed. He will have to bring a new standalone proposition to amend the Island Plan. So that is the difficulty and my hands are rather tied by Standing Order 83(2), it seems to me.

Deputy R.C. Duhamel:

Is that correct because, surely, the Minister will be asking if, after this work was undertaken to come back to the Assembly and to ask the Assembly to make a rezoning proposal for those 3 sites?

The Bailiff:

Yes, but it will not be this amendment. This amendment is just to pull them out and replace them with other wording but he will not be doing that. I agree, it is not terribly satisfactory but I think the Chair's hands are rather tied by the terms of Standing Order 83(2).

[17:00]

Connétable K.P. Vibert of St. Ouen:

It seems that we have got ourselves into an impossible situation here. The Minister has proposed, in his amendment, what Deputy Southern is trying to achieve. He is trying to achieve a situation where the Minister takes it back and comes back with more information and it seems to me that that is exactly what this amendment has proposed. So, referring this amendment back is going to mean that we have wasted 5 days in this Assembly.

The Bailiff:

That is an argument for voting against it, Constable.

The Connétable of St. Ouen:

Yes, but accepting the Minister's amendment will, in fact, mean that this particular piece of the plan will be referred back and will come back to the Assembly and we can then move on.

The Bailiff:

Well, that maybe is thought by Members to be a very valid point but I think it is a point for the debate. So I have accepted the proposal for reference back. I do ask Members to confine themselves briefly to the merits of a reference back. I am going to treat that as a speech within the reference back, do you wish to add to it or elaborate? Do you wish to have an opportunity to add to it or elaborate?

The Connétable of St. Ouen:

No, I think it is quite simple. It is just as simple as I put it.

The Bailiff:

Does any other Member wish to speak on the reference back?

Senator F. du H. Le Gresley:

It is a small point but I think it is an important one. Throughout the whole of this Island Plan debate, some Members, quite rightly, and in particular the proposer of this reference back have quoted from the inspectors' reports saying: "Why are we not doing this because it is in the inspectors' reports and why are we paying these people?" It is not the money that matters but taking their advice and then we were going against it. Now, in the inspectors' report, the first one, on H1, if you would allow me to read it, I think it is quite important. It says, in relation to H1: "We note the Minister for Housing's view that the Island Plan is woolly when it comes to the breakdown between the need for various types of affordable housing, social rented, Homebuy, et cetera. While we accept that we take the view that it would be a mistake to be too prescriptive about this the situation will change during the life of the Island Plan and a degree of flexibility seems appropriate." Now, is that not exactly what the Minister has done? He has followed the advice of the inspectors and kept it reasonably flexible and not too prescriptive and it then goes on to say: "We recommend that Supplementary Planning Guidance is produced to be published at the time the Island Plan is adopted to indicate the criteria by which this provision is to be judged." Now, the Minister, in his amendment that we are discussing now, is proposing that he comes back with that sort of information. So, really, I fail to see why we cannot accept that the Minister followed the planning inspectors' advice, all the way, and he has agreed to withdraw these 3 sites and come back with Supplementary Planning Guidance. So I see no need to refer this back.

The Bailiff:

Does any other Member wish to speak on the reference back? Very well, I call upon Deputy Southern to reply.

Deputy G.P. Southern:

A very brief debate on the reference back. It seems to me, fairly clear, where the Assembly is going to stand on this. I thank the Constable of St. Ouen for pointing out that the Minister has got us into a pickle but he is proposing to get us out of one, himself, which is a good thing. I thank Senator Le Gresley for pointing out that in this particular instance I do not appear to be following the inspectors' advice in their report. However, I would suggest that the second half of his statement was the more appropriate one in that they say: "The Supplementary Planning Guidance be produced at the time the Island Plan is published." Well, it has been published and we have not got a Supplementary Planning Guidance and we should have a Supplementary Planning Guidance and the building industry is waiting, desperately, for that Supplementary Planning Guidance

Senator F.E. Cohen:

If the Deputy will allow me to interject, the Supplementary Planning Guidance has always come after the Island Plan. This is simply nonsense.

Deputy G.P. Southern:

If I heard Senator Gresley correctly, he said that the Supplementary Planning Guidance should be produced at the time the Island Plan is published. Adopted, we are about to adopt it this week. We have not got the Supplementary Planning Guidance.

The Bailiff:

You do not need to debate across the floor.

Deputy G.P. Southern:

"Is produced", is the words and I am still on my feet, thank you. So, I maintain the proposition and call for the appel.

The Bailiff:

The appel is called for then in relation to a reference back of this particular amendment of the Minister; that is the 56th amendment. I invite Members to return to their seats. If you want to refer it back you vote pour, if you do not, you vote contre and the Greffier will open the voting.

POUR: 4

Deputy of St. Martin
Deputy G.P. Southern (H)
Deputy S. Pitman (H)
Deputy T.M. Pitman (H)

CONTRE: 38

Senator P.F.C. Ozouf
Senator T.J. Le Main
Senator F.E. Cohen
Senator J.L. Perchard
Senator A. Breckon
Senator S.C. Ferguson
Senator A.J.H. Maclean
Senator B.I. Le Marquand
Senator F.du H. Le Gresley
Connétable of St. Ouen
Connétable of St. Helier
Connétable of Grouville
Connétable of St. Brelade
Connétable of St. John
Connétable of St. Saviour
Connétable of St. Clement
Connétable of St. Peter

ABSTAIN: 0

Connétable of St. Lawrence
Deputy R.C. Duhamel (S)
Deputy R.G. Le Hérisssier (S)
Deputy J.B. Fox (H)
Deputy of St. Ouen
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy P.V.F. Le Claire (H)
Deputy J.A.N. Le Fondré (L)
Deputy of Trinity
Deputy S.S.P.A. Power (B)
Deputy K.C. Lewis (S)
Deputy of St. John
Deputy A.E. Jeune (B)
Deputy of St. Mary
Deputy E.J. Noel (L)
Deputy T.A. Vallois (S)
Deputy M.R. Higgins (H)
Deputy A.K.F. Green (H)
Deputy D.J. De Sousa (H)
Deputy J.M. Maçon (S)

The Bailiff:

Very well, now, Deputy Southern, do you wish to continue your speech on the amendment or had you completed it?

Deputy G.P. Southern:

I was going to ask you, anyway, for the number of the Standing Order that you were referring to that binds your hands?

The Bailiff:

Standing Order 83(2).

Deputy G.P. Southern:

Standing Order 83(2), thank you. I will take that away and have a look at it and see if it can be improved because we have certainly got ourselves into a real pickle here, have we not? One of the things that worries me is that at the meeting, the seminar that was held for the building industry, which concentrated almost solely on H3 sites and suggested there were serious problems with the H3s. There was a Q.C. attending and he was concerned and was talking through the whole process about judicial review of the plan itself, and of individual developers or landowners making appeals to the Royal Court. I thought at the time: “Hey, this is a bit heavy handed”, but learning today that, in fact, there is some question about whether this overall plan can be challenged and one which is so serious that the Minister has pulled a chunk, albeit a small chunk, of the plan does call into focus, sharp focus, the ability of this plan to deliver homes. A number of Members, throughout the various amendments, have questioned that and it seems to me that the Minister has not done a very good job of producing this particular plan and that there are serious doubts about it. Obviously, I would have preferred it that the Supplementary Planning Guidance was here so that we knew what we were doing. I think it is spectacularly important that legal advice at this stage, which throws the whole plan, I think, into some doubt means that I will have difficulty voting for this particular plan.

2.1.11 The Connétable of St. Ouen:

We are really getting ourselves tied up. The plan is much more than just the H1 section. **[Approbation]** This proposed amendment merely deals with a technicality which has arisen within the H1 section. We cannot be serious - to quote a Wimbledon phrase - in thinking that this week

we can throw out the whole thing, or send the whole thing back to the Minister just because of **[Approbation]** ... just because of this tiny section of the overall plan. I am sorry, Members must realise that this particular amendment is the Minister trying to address a problem which has come up in one part of the plan and that problem needs to be addressed. The Minister, by this very amendment, is agreeing to address it and we just need to accept this amendment and move on.

2.1.12 The Deputy of St. Mary:

I think the last speech and the speech of the Assistant Minister for Planning and Environment, Deputy Duhamel, do need a counterbalance. We are being told that we should not go into the nitty-gritty and this is just a minute detail. It is just a minute detail that in the middle of the debate, on the Thursday, last week, which is in the middle of the debate on the Island Plan, just coming up to the housing section or as we were debating the housing section, we are told by our legal adviser, or rather the department is told by their legal adviser that there is a problem with the H1 policy. I am not sure that qualifies as nitty-gritty, or a little detail, a little final hurdle. I mean we are clearly going to have to let the Minister take it away and sort it out, but I do worry. I think we should all be concerned about a plan that takes 4 years, which is fair enough; I have nothing against things being consulted properly although that is quite a long time. Members should remember that: 4 years. This has been 4 years in the making, maybe 3 years in the making; that is a long time to bake a cake. Now, at the very last minute, the legal basis of one of the main policies in the housing section is found to be unsafe. I think I am going to vote for this amendment. But it is a question of which muddle do you prefer because we are coming on to an even bigger muddle with H3. I would not want Members to think ... I just want us to slow down a bit, this is a mess. The affordable housing policy, the H3 policy, is even worse. It is a lot more significant. It throws into question the whole way we make decisions or rather who makes decisions. So, although, we may think this is a relatively small pillar of the housing policy and it is one section out of 10 in the Island Plan and so we will let the Minister take it back. I think we should sound a note of caution. I do not think it is right for the Assembly to say: "Okay, Minister, just take it back, it is all right." I should say, we should agree that this is not really satisfactory but there you go, we are where we are but with H3, I think, as I said, the situation is much worse.

The Bailiff:

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

2.1.13 Senator F.E. Cohen:

I will not go through all the points raised by various Members because it has been a protracted debate and many of the questions that were posed to me have been eloquently and carefully answered by the Attorney General. I will just make some general points. The first is to clarify absolutely; it was never an intention that the Supplementary Planning Guidance would come forward before the Island Plan was debated by the States. The principle is very simple that the Island Plan should be approved or otherwise by this Assembly and then the Supplementary Planning Guidance should be in place before the introduction of policy on 1st January 2012. So let us put that one to bed. This is about limiting risk. It is all very well to say: "That the legal advice came late in the process and is that not dreadful." The reality is that the questions were not asked until last week and that was because there are always different questions one can ask about any proposed policy. A simple legal review of the policy does not always answer every single question because not every single question is necessarily posed. What am I to do, as Minister, am I to hide it from the Assembly? Or am I to be honest and open and say: "We have a policy here, there is a risk, small, large, medium, I do not know; only the court knows that if and when it is tested." There is no necessity to move forward immediately and therefore the most logical thing to do, the most logical path, is to step back a little, to take the 3 sites out, they represent less than 8 per cent of delivery anyway, to consider the policy carefully, to establish the group. I have expressed that Members who have an interest are invited to join this group and express their view and be party to

the group and, if necessary, to bring back a revised policy, should that be necessary, having taken more detailed and careful legal advice and to bring back those sites that are required, should they be required, in short order. I really cannot see that that is such a huge problem.

[17:15]

I think that efforts to derail the plan based on this amendment are absolutely extraordinary. Some of the comments made by Deputy Southern are grossly inaccurate; his comments in relation to the Supplementary Planning Guidance particularly. I am not saying they are misleading the Assembly but they are certainly placing in front of the Assembly words from the inspector that did not come from the inspector's mouth. So, I would say that this is simply about limiting risk, we are dealing with less than 8 per cent of delivery anyway, we are not talking about not delivering, we are still delivering 1,140 affordable houses within the 10 year life of the plan, this does not affect H3. I cannot understand where the Deputy of St. Mary is coming from in relation to H3. H3 is a relatively simply policy, relatively elegant and will stand the test of time. I urge Members to accept my amendment and I call for the appel.

Deputy M.R. Higgins:

If I can seek clarification? I did ask the Minister 2 questions, which he has not attempted to answer. The first was how long does he expect to take on this? The second was whether this, basically, has defeated the alternative to a land development tax?

Senator F.E. Cohen:

I did answer the first question. I said that we progress work immediately, that means immediately the plan is decided upon by the Assembly. The work will need to be in place before the end of the year and it will be brought back to the Assembly before the end of the year. As far as land development tax is concerned the Deputy, I think, is a little confused. The H1 policy is not relating to what we could loosely call "a tax", albeit others would disagree with that definition. That is the H3 policy that will deal with extracting value from sites around the Island, commencing with sites above the 6 threshold and then dropping down to sites above the 2 threshold in accordance with the Deputy of Grouville's proposition in 2008 that was approved by the Assembly, I think, by 41 votes to 4, or something along those lines.

Senator J.L. Perchard:

I do also ask the Minister about the Green Zone and would these sites fall into the Green Zone if they are removed from the plan. Does he share my concern that the Green Zone, if we are threatening the Green Zone so early, or planning to threaten the integrity of the Green Zone so early in the life of this 10 year plan, it devalues what I consider is a precious Green Zone?

Senator F.E. Cohen:

I think the Senator is going round and round in circles. I did not answer his question. He had originally posed a question suggesting that we would come back to build 400 houses on these sites. I am not quite sure where that came from. The reality is that these will be absorbed into the Green Zone, effectively on a temporary basis, that if the sites are needed, they will come back with good reason. Every Member of the Assembly and every Islander will clearly understand what we are doing and should we need these sites in the future for housing, for needy Islanders, I have no doubt Islanders will understand.

The Bailiff:

Very well, so the appel has been called for in relation to the 56th amendment of the Minister. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 40

CONTRE: 2

ABSTAIN: 1

Senator P.F.C. Ozouf
Senator T.J. Le Main
Senator F.E. Cohen
Senator J.L. Perchard
Senator A. Breckon
Senator S.C. Ferguson
Senator A.J.H. Maclean
Senator B.I. Le Marquand
Senator F. du H. Le Gresley
Connétable of St. Ouen
Connétable of St. Helier
Connétable of Grouville
Connétable of St. Brelade
Connétable of St. John
Connétable of St. Saviour
Connétable of St. Clement
Connétable of St. Peter
Connétable of St. Lawrence
Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy R.G. Le Hérisssier (S)
Deputy J.B. Fox (H)
Deputy of St. Ouen
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy P.V.F. Le Claire (H)
Deputy J.A.N. Le Fondré (L)
Deputy of Trinity
Deputy S.S.P.A. Power (B)
Deputy S. Pitman (H)
Deputy K.C. Lewis (S)
Deputy of St. John
Deputy A.E. Jeune (B)
Deputy of St. Mary
Deputy E.J. Noel (L)
Deputy T.A. Vallois (S)
Deputy M.R. Higgins (H)
Deputy A.K.F. Green (H)
Deputy D.J. De Sousa (H)
Deputy J.M. Maçon (S)

Deputy G.P. Southern (H)
Deputy M. Tadier (B)

Deputy T.M. Pitman (H)

2.2 Island Plan 2011: approval (P.48/2011): fiftieth amendment (P.48/2011 Amd.(50))

The Bailiff:

Very well. Then, Deputy De Sousa, I think, then, your amendment falls away so we will not proceed with that. So we come next to the 50th amendment, lodged by the Minister, it is fairly lengthy so I will not ask the Greffier to read it out and I invite the Minister to propose it.

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

This amendment is designed to specifically introduce a trigger mechanism into policy H1 to review the plan if the expected delivery of States sites does not occur within a specified timescale. As I have stated on many occasions previously we, as an Assembly, hold States-owned land specifically for the benefit of the people of Jersey. What better use could there be than to provide some proportion of this land for the delivery of affordable housing for Island families on lower incomes. The policy we have devised is not too prescriptive. It simply requires States-owned sites to deliver 150 affordable homes over the 10 year life of the plan. They can be delivered through any

reasonable mix or allocation over the States-owned portfolio in agreement with the Minister for Planning and Environment. The Treasury have confirmed their commitment to the principle of delivering affordable housing through the use of the States of Jersey Development Company. The inspectors, in their addendum, have recommended this belt and braces approach. They have proposed a trigger mechanism. In essence, if the States have, for some reason, or do not deliver on States-owned sites over a 2-year period that private sites should be brought back to the Assembly for consideration for rezoning. Specifically, there will be an expectation that planning applications for affordable houses will be submitted on States-owned land within 12 months and planning permission must be given within 24 months. Therefore, we will likely know if the trigger is needed in around one year. This is a principle I endorse as it firstly presumes a focus on protecting our countryside, providing the States delivers and it is within the authority of this Assembly to require that delivery. I urge Members to support this belt and braces amendment.

The Bailiff:

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

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

Just a quick question for the Minister. Can the Minister explain to me what he feels is different about this policy of building on States-owned land when, I think, it has been brought up in this Assembly, recently, about Lesquende, which has been stood empty now for about 12 years in the States ownership; it is an absolute disgrace that nothing has been built on that site. I would like to know what is different about this policy and why he believes it is going to work this time on States-owned sites within 24 months.

2.2.3 Deputy P.V.F. Le Claire:

I am trying to struggle to find my papers and that is why I did not support Deputy Southern's reference back. I do listen and reflect upon what is being said, even at this stage, by Members. I listened to what the Minister for Planning and Environment said in summing up and he convinced me that he is willing to work not only in solving these issues but with the industry and also with other Members. He knows that I have been taking an interest in this and he also knows that I am interested in this. There is now going to be 2 groups, apparently, one group to look at H1 and one group to look at H3. I did say to the Minister, already, that I would be very interested in helping if I can. If they do not want me, then fine. I would like to just refer, if I can, just reflect for a moment upon what we are being told. I had an opportunity in those intervening minutes to reflect upon what exactly the independent inspectors said. Well, I would like to tell Members why it is that although I think there is a lot wrong with this plan, I have come to the consideration that putting it off, as the Minister says, is going to do nothing. I think the Connétable of St. Ouen is quite a seasoned and sensible politician who, I have great regard for, has helped me shake off the cobwebs. They said in their comments, this is on page 6: "As a result the number of the new houses now proposed to be developed via policy H1 is only about 100 and if Field 1219 were to be removed it would reduce to little more than 50, for a 10 year period [sycophantic, I heard, I do not know whether that was towards me or not] when there is at least a serious housing problem if not a crisis [at least I am consistently championing the needs of the housing issues, it may not be going down well with Members if I am struggling to continue to support something that I find is so full of holes but I am trying my best] for a 10-year period when little more than 50 for a 10-year period when there is at least a serious housing problem if not a crisis. This is in the context we have described, seems to us to be something that States Members ought not to be willing to accept. It is for this reason we said at the start of the section of the report that there is a serious danger that States Members risk failing in their collective responsibility to deal with this crisis. Continued objections from States Members to virtually any site which is put forward for development arguing for their exclusion from the Island Plan have put the Minister in what seems to be a very difficult position in trying to provide a solution to the housing problems of Jersey. Delay will not help in this situation,

it will make things worse. Members need the strength to balance more evenly the problems and controversy attending to the development of regular pieces of land against the evidence, overwhelming in our view, that action needs to be taken now to deal with the housing needs of Jersey people.” I reread that and I think they are correct. I think that we are in a mess and we are not going to get out of that mess unless we start rolling up our sleeves and getting on with it. I take on board the comments of the Minister. They recommend in their final submission that was put to them by the speech of Senator Ozouf, their recommendations were, and I think it is important to have this on record: “The Minister amends policy H1 as follows: After the penultimate paragraph of policy H1 ending the need for affordable homes, insert a new paragraph.” This is where the amendment was meant to be in their view, in policy H1 not in policy H3 but nevertheless this amendment is now coming in this part. It said: “The provision of affordable homes on the States-owned sites above will be monitored in the event of either of the following not being met, (a) planning applications for affordable homes on States-owned land being made within 12 months of the adoption of this plan.” I have walked through with Members some of the recent examples of how long it can take. It can take a significantly longer period than Members realise in getting plans passed by the Planning Department even if it is another States department that wants the things passed. We have seen that in the Sunshine site, the Le Coin site and the many other sites. Lesquende, now that was during the time that the then Deputy Norman, as Housing President, was threatening to resign if he did not get his housing sites passed by the States Assembly in the 1990s. In part (b), which is also being introduced, if we do not get this right either: “Planning permission for 150 homes being granted and the sites released within 24 months of the adoption of this plan”, so that is also outlined by the Minister. But then it goes on to say this, and this is important and I do not think it should be removed: “The plan will immediately be reviewed to provide for the development of a minimum of 150 affordable homes on some or all of the following sites, Samarès Nursery, St. Clement, Longueville Nursery, St. Saviour, Le Quesne Nursery, St. Clement and field 1248 in St. Helier.” Those exact sites that were originally in the plan that were taken out by the Minister, put back in by people like Senator Perchard and myself, because we thought that there was a need and we recognise there is a need. Those are the sites that they say need to come back if we cannot get our act together. I am waiting to be amazed but I do not think I am going to be. So, if it does not happen, and I do not think it is going to happen, this is what they say: “The plan will immediately be reviewed to provide for the development of a minimum of 150 affordable homes on some or all of the following sites, Samarès Nursery, St. Clement, Longueville Nursery, St. Saviour, Le Quesne Nursery, St. Clement and field 1248 in St. Helier.” I brought 3 of those, 2 of which I did not want a poor debate on because I recognise their value in terms of how they can help us tackle the housing crisis which is only going to start to present issues to us in the very near future. As I said, I will read from some real life hardship cases later and I will let Members have a flavour, and the public, as to how people are living because some Members have no idea as to what is going on with some people’s lives at the moment and it is really heartbreaking. I am supporting the Minister; I am not going to propose a reference back to the remainder of the plan.

[17:30]

Sycophantic, I do not know; I will have to look that up to see if I am. But I am supportive and consistent. I believe I am. I believe I am trying my hardest to try to tackle this housing crisis and if that means I have to change my position from one minute to the next, whatever I need to do, I will do.

2.2.4 Deputy A.E. Jeune:

Will the Minister confirm that where there are valuable prime locations, States-owned sites, that maximum return for the benefit of the States coffers will be supported?

2.2.5 Senator J.L. Perchard:

Very brief, like me, the Minister has, by bringing this amendment, confirmed that he has doubts on the ability of the States of Jersey Development Company to fulfil the promise being made by the Council of Ministers and I welcome this amendment, but it will, of course, just delay the inevitable but he does confirm that he has the doubts about the ability of the S.o.J.D.C. (States of Jersey Development Company) to deliver.

2.2.6 The Deputy of St. Mary:

I cannot remember the first part of the quote from Bob Dylan, but I know the last bit, it is: “What’s going on?” in his inimitable drawl which I shall not try to imitate, but what is going on? I do not have a problem with the principle of using States-owned sites for social housing but, of course, there are huge issues with that and those issues are not being debated, they are simply being proposed as a massive amendment to the Island Plan. We have just heard, if you like, the counter argument very, very, very, very, very brief because the good lady never puts more than 20 words together, I do not know, a few more sometimes: “Maximum return for the States coffers.” Can I ask the Minister to explain whether there will be maximum return for the States coffers? Well, of course, if we allocate some of our sites to social housing clearly the land value underneath will be less than what we could have sold it for. So there is an issue. There is an issue. So how have we dealt with this issue? What has the States done to look at this issue and unpack it and say: “Yes, we go along with this”, or: “No, we do not”, or: “What are the implications for the capital programme” and so on? So, this proposition says that we are going to write into the Island Plan, the following words: “Paragraph 6.96, [which will be a new paragraph, no it will not, it will be a substituted paragraph] the use of States-owned land to help meet the need for affordable homes is identified as a clear policy objective of the States of Jersey Development Company.” There is a footnote 1, which I cannot find anywhere in this report so I do not know what is going to be in the footnote. Maybe an explanation of how that policy was arrived at will be in the footnote. It is identified: “We have identified this use of States-owned land as a clear policy objective of the States of Jersey Development Company.” Well, I do not remember this being a clear objective until 7th June. On page 4, in the report, there is a paragraph headed: “The intent of the States to use its own assets to contribute towards the need for affordable homes.” As I say, I do not have an issue, personally, with that statement but I do have an issue with how this is being cobbled together. The report goes on: “Most significant in this respect are recent statements [in plural, although I only recollect one] made by the Minister for Treasury and Resources (during the debate on P.32/2011 on 7th June 2011 which was to appoint the directors of S.o.J.D.C.) to make clear the intent to use States assets to help meet the need for affordable homes.” This is an important commitment. This important information was not available at the time of the further Examination in Public. “Because of its significance to the Minister’s housing strategy as set out in the revised draft Island Plan the Minister asked the independent planning inspectors for their independent view on it which they set out in an addendum to their main report.” Then it goes on: “That the intent and timing of the release of States-owned land is within the gift of States Members alone.” Then in the fourth paragraph: “Irrespective of the inspectors’ views on this matter, however, the statement with the greatest bearing on this issue is that which has been made by the Minister for Treasury and Resources setting out a clear objective for the States of Jersey Development Company to use States-owned land to help meet the need for affordable homes.” Now, I just went off and printed the relevant pages of P.73/2010, which is the one where we set up the S.o.J.D.C. The S.o.J.D.C. is an implementation body and it is directed as to what to do: “It gets guidance from the Regeneration Steering Group which is a subgroup of the Council of Ministers and on that subgroup sit the Chief Minister, who has been away quite a lot recently, the Minister for Treasury and Resources, the Minister for Economic Development, the Minister for Transport and Technical Services, the Connétable of St. Helier and a co-opted Connétable for a Parish in which a major scheme is taking place.” So there are ...

Senator F.E. Cohen:

Not the Minister for Planning and Environment.

The Deputy of St. Mary:

Well, maybe that has been added since P.73 but it is not in P.73. I was surprised at the omission so maybe the report is wrong but the Minister for Planning and Environment is not on the Regeneration Steering Group. Under the next paragraph: “Relationships. The Regeneration Steering Group will take input from the Minister for Planning and Environment, but he does not sit on the group”, but that is not germane to my argument. The fact is there are 5 members plus a co-opted Connétable of a Parish which is being affected by a development proposal. My question, which I hope the Minister for Treasury and Resources will answer when he speaks, as, no doubt, he will on this amendment, is what discussion was there within the Regeneration Steering Group about the commitment, which he announced on 7th June, to a surprised Assembly, I think, suddenly there was, effectively, a statement on the use of land under the S.o.J.D.C.? So I would welcome knowing, finding out, where this commitment came from, who endorsed it, where is the relevant minute of the Regeneration Group and to comment on the extraordinary way that the States has been told that this new policy is in place 2 weeks before we debate that policy in the Island Plan? The proposal to bolt the policy into the Island Plan is lodged the day before we start to debate the Island Plan and it is a very funny way to make an omelette, sort of instant. Well, if you are making an omelette then it does not matter, you get some eggs and you make an omelette but this is the Island’s Plan, the Island Plan for 10 years and rabbits are being, effectively, pulled out of hats 2 weeks before. So, I think Members should have a problem with that. I certainly have a problem with it. I just wish all this had been done in the proper way, that we had had a proper decision, that we had been notified, that we had had time to think about this and the various issues surrounding it. As I say, personally, I am happy with the use of those assets but I am very surprised if the Minister for Property thinks that we should just go ahead like this. I think he is going to speak. The Assistant Minister, with responsibility for Property, but I just would welcome a little bit more, just a little bit more, fleshing out of the detail on this quite radical proposal.

Deputy A.E. Jeune:

The Deputy, when he started speaking, made comments on my brevity, but why would I waffle on for half an hour if I can say what I want to say in a few words?

Deputy S. Pitman:

Can I just have one minute? I do need to go in about 5 minutes; I have my sister’s 40th birthday party to go to, so if I can be excused, please?

2.2.7 Connétable D.J. Murphy of Grouville:

I must admit that I am slightly confused or bewildered. The Minister advocated 5 other sites here, which would be States-owned sites for affordable housing, one of which included South Hill. Now, I cannot think of a more valuable site in Jersey than that one which should not be used for affordable housing but, indeed, you could use it for affordable housing simply by selling it into the marketplace and using the money gained from it to buy land, which could be used for affordable housing. But the Jersey College for Girls’ site, of which I know a little having done the Scrutiny on it some years ago, is another site which is extremely valuable and should not be used, or even earmarked for affordable housing. I cannot understand how they got it on the list for affordable housing in the first place. It defeats me. The others should have gone on, in my opinion, with some of the other sites, but that is a past debate. However, I just do not believe that he has quite got the right mix on these sites.

2.2.8 Connétable J.M. Refault of St. Peter:

I am going to attempt to answer some of the Deputy of St. Mary’s questions. Starting with regard to his comments on the Regeneration Steering Group, that was well debated last year and I would have thought when everyone voted their position on that, they had fully understood it. Essentially,

what will be happening is that Jersey Property Holdings will be offering up sites which are no longer required by the States to the Regeneration Steering Group to look at and decide how they would wish it to go. Then planning permission will go through to the Minister for Planning and Environment, which will then come back via the Regeneration Steering Group and then be given to S.o.J.D.C. to deliver. That is a very simplistic way of looking at it but that is a very simple wheel about how the properties are going to be moved around. With regard to the properties, and the Connétable of Grouville was just talking about a couple of particular sites. To create the funding mechanism to be able to afford to build social rental where there is nil site value because there is no site value to a social rental, then obviously some of the higher value sites will need to be delivered first to create the funding to be able to deliver the social rental. Certainly, the Minister for Planning and Environment has been quite severe in the past in ensuring that within elements of first-time buyer and social rental there is a mixed development. There are opportunities which have been done elsewhere in the past where a site that has a value can contribute towards the provision of social rental on that site. If we take a simple site, as has already been mentioned, South Hill, it would be simple to argue that the front element would be the ones for sale, which would allow some other units to the rear to be social rental to make that site work and deliver an element towards the social rental requirement. Equally, the same can apply to Jersey College for Girls and other sites. There are a number of sites which we are looking very closely at for delivery and I know one of the Deputies of St. Saviour is a little anxious about d'Hautrée but d'Hautrée is another site which could deliver a mixed development, given the Regeneration Group would see that to be an opportunity. There is a lot of work being done. Since the S.o.J.D.C. has been formed it had its first board meeting last week. We are looking forward at Jersey Property Holdings for a very close relationship with them to be able to move matters on much more quickly than has been done in the past and deliver up some of these property assets. There is a significant piece of work being done already on Jersey College for Girls. The delay which was brought in by the Assembly rejecting the sale, I think, was it 2 or 3 years ago, has improved the value because there is some merge value with some buildings that were behind, which have now become vacant, which will be able to deliver far more units up on that site, including, probably, some social rental as well.

2.2.9 Senator P.F.C. Ozouf:

I will be very brief but I will say that one of the consequences of economic growth has been, over the decades in Jersey, high house prices. Over the years the States has been successful, indeed, very successful in delivering social housing, first-time buyers in the past and, indeed, recently, shared equity. The market has failed, to some extent, because of runaway prices in terms of first-time buyers and there is also, currently, an ongoing problem in relation to development finance and others. I think all of these factors point together as to why the States do need to assist in the delivery of various tenures of affordable homes. Yes, on States-owned sites we have a role to play. In the past the Assembly has passed numerous purchases of commercial sites.

[17:45]

I can think of the site next door to Howard Davis Park and others. The Connétable of St. Clement, in a previous world, was responsible for all sorts of delivery of tens, if not hundreds, of new homes in Jersey. I believe that working together we can continue to do that. I do agree with the Connétable of Grouville in terms of his concern that one should not use, perhaps, the premium sites that could deliver, that is not to say that social rentals should not have premium sites, but it is over the whole of the States-owned sites that we are going to deliver the 150 units. He may well be right that one may be selling the high premium land values and directing the receipts from that into delivering affordable homes on some less valuable sites and delivering better or more scaled units. So the key is swapping it out. I think that I would say with a degree of great confidence that on the surplus land that we have within the States of Jersey, on various sites of which a number of sites have been ... It should be relatively easy to deliver 150 units and rather than lacking in confidence

about this, I am highly confident that we can do it. I would ask Senator Perchard to take off his glum negative feeling and say we will work together as Members of this Assembly to deliver those 150 and I recommit myself to doing so and I recommit publicly, to the direction of S.o.J.D.C. in doing just that.

The Deputy of St. Mary:

I seek a point of clarification on what the Minister has just said. He is suggesting that we sell the premium sites in order to reach the 150 target, so therefore he is meaning that we have housing on the premium sites and other sites which will have to be purchased and the houses built with the proceeds of the sales, so, shifting both in time and in space.

The Bailiff:

What is the clarification, Deputy?

The Deputy of St. Mary:

Is it correct that that is what he is suggesting because the argument of this amendment is 150 on the States sites? That is not what we are being offered.

The Bailiff:

I do not see that is seeking clarification, it is a second speech.

Senator P.F.C. Ozouf:

If one was to sell South Hill, because that was to get premium land value, and one was to direct the receipts in the creation of affordable homes on, say, Rouge Bouillon or Sacre Coeur or one of the Minister for Housing sites, then that achieves the objective. I cannot add any more. We will debate these issues as and when the time comes and obviously Scrutiny can scrutinise it but we are going to deliver 150 affordable homes. We can do it and I am determined to achieve it.

2.2.10 Deputy A.K.F. Green of St. Helier:

I will add a few things to this because I do not understand what the problem is here. We have a plan that is presented by the Minister and we have put in the mechanism for ensuring that we achieve that plan and if we do not then we can go to plan B. All this is doing is saying we have a specific target, we are going to meet that target but instead of just having a glib idea we are going to review and come up with other ideas if we need to. I can assure Members that we will not need to. I have not got a hat that I can eat if we do not, but I can assure Members that we will do that review but we will not need to come up with plan B. There are lots of opportunities here. Sites that have sat dormant for years are available for people that need homes and need homes now. So if the Minister wants to put some sort of quality control, and that is all this is, alongside it we should be supporting him in that. Let us get on with the job.

2.2.11 Senator A. Breckon:

I was not going to speak in this debate because I am concerned at what I consider to be an element of snobbery, if you like, that has come into this in that I know people that live up Pier Road on the site of the old Motor Traffic Office. They are wonderful little flats there, the people enjoy the view over the docks, they see the boat coming in and out, on occasions, and they really love it. Now, why should not the site, up there, be used for elderly people with windows down to the floor, where they have some degree of comfort? You look at the other side, Mount Bingham, people love living on that site as well. Why should we discriminate people out of this zone? I have a concern about that. When I have a look through it says under policy H7 it talks about: "If the land is not zoned for category A purposes unless somebody put it in a development brief"; and that refers to, perhaps, elderly housing. That concerns me because it might be an ideal place for people to live. So I would say to Ministers, and those with responsibility, that we should not exclude people from living on any of these sites and stick them in the back streets of St. Helier where they think: "Well,

okay, we will get this money and it is good enough for some but not good enough for others.” I think that is wrong for people, especially the elderly, that the facilities should be of the best and we can afford to do that. It is just a matter of putting the deals together and that is really where we have failed. Whether the States of Jersey Development Company will come up with that remains to be seen but I have some concerns if there is a thing saying: “Well, okay, this is the green light as it were, right, we will get rid of that, we will get rid of that, we will have some money to do it”, because we have failed, as the Deputy of St. Mary pointed out the other day in some correspondence, we have failed to maintain States property and to build for the future. The figures that the Minister produced the other day say that that is why the waiting list has gone up because we have produced zero, zero and zero over the last 3 years. So we need to get on with this but we need to be working together but we need not exclude people and put people in boxes and classify them as such. I hope Members will keep an open mind if we approve this amendment.

Deputy A.E. Jeune:

May I ask a point of clarity of the last speaker? The last speaker said that elderly residences in Pier Road was a good thing. Does he not consider that quite a steep incline for the elderly?

The Bailiff:

Well, I do not think that we need to go for that point of clarification.

Senator A. Breckon:

Can I just say that I am over 55, which is what we are talking about, and I think I would manage to get up Pier Road.

2.2.12 Connétable P.F.M. Hanning of St. Saviour:

I see this as very simple. I spoke quite strongly against 2 of the sites on this list of not wanting housing but I have to say I will support this because, if nothing else, I see it as a stick with which to use to drive S.o.J.D.C. to deliver the sites faster.

2.2.13 Deputy M. Tadier:

Of course we all agree with the need for affordable homes in Jersey and that is the easy part to agree with. The devil in the detail will be in the delivery or rather the delivery will depend on the devil in the detail because shared equity, in my opinion, is potentially flawed. There are questions that need to be asked about how shared equity is going to work. For example, when the houses are sold what happens to them, what happens to any uplift in the value? Will they be ring-fenced, hopefully the scheme will be ring-fenced, what happens to the individuals who want to sell their homes but if they do not have the full equity of that home how do they then go on to buy another home? Is there another scheme which is, perhaps, slightly less affordable housing, but not quite open market value housing? Has this been thought out by the Minister? I would like to hear the response to that. I am concerned, as well, similarly as Senator Breckon. I think, essentially, what he is saying is that one way of looking at it is saying these premium sites are too valuable not to be used for social housing. We rarely hear that, though, do we not. They are saying there are some great sites in Jersey but surely they are too valuable just to give any old developer, we should be keeping them for the States ourselves, and for our own people because, of course, the poor would never be able to afford to live in those areas otherwise. So that is why we must keep the best sites for them because otherwise they would not be able to experience life in those locations. I am also concerned that we have to be selling off premium sites so that we can reinvest. We are told that the States has been, traditionally, full of business people who are good at business yet that government is traditionally bad at business. So I am not really sure which is true there. So we know that we have very many businessmen in the States historically and traditionally in Jersey, too many some would argue, but that government is bad at doing business, government does not do business. So why is it that we do not keep the premium sites ourselves, because they are premium sites, they will not lose their value, develop them ourselves, either for housing to sell the houses in the ring-fenced

scheme, not simply for social housing is what I am saying, but also for the high end, or rent these properties out. As I have said in the past, I am one of those individuals who would be very happy to pay my monthly rent to the States of Jersey. It should not be simply for those who cannot afford market rate housing that we should be tapping into. We know that social housing in Jersey is profitable anyway. We know that the Housing Department makes a profit. That is because the house prices are not subsidised, the rentals are not subsidised in the absolute sense, they are only subsidised in the fact that they are slightly cheaper than the extortionate rents that are being charged by the open market. So why do we not get into that game of charging extortionate rents as well to those who can afford to pay extortionate rents in the open market and then redirect those rents back into the public sector. These are the kind of issues that I would like the Minister, who is evidentially, quite an established businessman and other businessmen in the Chamber to be able to answer because we seem to be saying that we like to give the lion's share to private industry, to private developers, while we just provide for those with absolute need and that simply does not seem the best way to do business.

Deputy P.V.F. Le Claire:

Could I ask the speaker to give way for a second or ask him if that would include possible considerations ... is he asking us to ask the Minister to include possible alternative considerations, like, for example, they did with the Waterfront, 150-year lease and the land reverts back to the public?

Deputy M. Tadier:

I have finished my speech. There are lots of possible options which the Minister and the Assembly should be considering in the future.

2.2.14 Deputy T.A. Vallois of St. Saviour:

Just briefly. If the Minister could just expand and explain why he has specified the sites that he has in this amendment? Because he has not specified any States-owned sites in part (a) but yet specifies the glasshouse site when there is really no need to because he asks: "6.97 Any such review will include proposals to rezone alternative development sites that are capable of delivering affordable homes that would otherwise have been provided on States-owned land and which accord with the spatial strategy of the Island Plan." Then he goes on to say: "These include such-and-such." Because in the report he does state that because of the Strategic Plan stating that we should not build on green fields. However, this is within a 24-month period and my understanding is at some point after that 24-month period the States Strategic Plan will be reviewed again and if there is a housing crisis and we need to look at that then that should be something that is looked at in the States Strategic Plan again. So I was wondering whether the Minister could just expand on the reasoning for putting those areas, the glasshouse site, within this amendment.

2.2.15 Connétable L Norman of St. Clement:

It just occurred to me I should put my microphone on. **[Laughter]** It just occurred to me, despite the lateness of the hour, what is the point? That is a rhetorical question. What is the point of selling our prime sites at top dollar then using the money, the profit, from those prime sites to buy private sector sites and use even more money to build social housing on those former private sector sites? While the private sector develops the former States-owned public owned sites at a profit? It seems to me we can cut all that nonsense out and, as the Minister for Planning and Environment wants to do, provide the social housing at point one, rather than go around all the circle and lots of people making money, except, of course, the taxpayer.

The Bailiff:

Does any other Member wish to speak? Then I call upon the Minister to reply.

2.2.16 Senator F.E. Cohen:

Thank you to those forward thinking Members who spoke and thank you to the half empty Members who spoke. I will deal with them in no specific order. Deputy Vallois raised the issue of why designate specific sites. She is quite right and we could include other sites as well, but this is a general policy and the trigger can be used in a variety of different ways. Deputy Hilton said: "What is the difference?" It is a jolly good point. What is the difference between now and all the years gone by and all the empty promises? Well, the difference is that we now have the S.o.J.D.C. and we now have the Minister for Treasury and Resources, Senator Ozouf, who is determined to deliver. I think as we all know, when he is determined to deliver he does nothing less than deliver and deliver quickly. I have no doubt that he will deliver quickly in this area through his designated Assistant Ministers in the same way as he has dealt with changes in the Treasury, in the Planning Department and in all the other departments that he has previously been involved with. As far as why did I think that this would be different, the catalyst to my change of view in terms of driving forward and insistence on delivery on States-owned sites was a short conversation I had with Baroness Ford, who regrettably did not end up as the chairman of S.o.J.D.C., and I think that was a huge loss.

[18:00]

But she said to me, and this was in the very short period of arriving in the Island, that the problem with W.E.B. (Waterfront Enterprise Board) is that W.E.B. has never identified itself with the delivery of anything that the Island regards as socially beneficial, and what S.o.J.D.C. should do is to concentrate not on the delivery just of officers but also on the deliverability of affordable housing for the people of Jersey. Actually the reality is when one looks at the sites across the board that the States fortunately owns as custodian on behalf of Islanders, it is not desperately expensive to do so. These homes are not going to be given away, these homes are going to be sold at a discounted price or rented out at a discounted rental. They are not going to be given away and it is entirely up to S.o.J.D.C. and the States as a whole to allocate 150 homes as they wish across the broad spectrum of sites they own. How will we enforce it? Very simply. The future Minister for Planning and Environment will not be giving consents unless they do. It is a pretty simple mechanism. Deputy Le Claire thankfully said that he wanted to work with me, and I am delighted to hear this. I am more than happy to include him in all the works around housing and, I want to make the point, that I do not have all the answers. I have never claimed to have all the answers and the Island Plan will not have all the answers. It is its best shot at delivering the best answers but the greater application of the greater number of little grey cells the more chance there is of delivering the best outcome for the Island. As with many other areas, I think that the more States Members are involved in the development of specific policies the better that policy will be, and I always enjoy the input of States Members as all will know in the various subgroups that I have formed. Senator Perchard had said that I had doubts about S.o.J.D.C. I have absolutely no doubt at all that S.o.J.D.C. is perfectly capable of delivering 150 affordable houses in short order. That it is far more capable of delivering 150 affordable houses in very short order than the private development industry, which is presently pretty much at stop. The current position, as I have outlined previously, is - do not delude yourself. The conditions in the private development market are extraordinarily difficult. Obtaining finance for development is extremely difficult and most site owners, if they have any sense, once they have got a rezoning or a consent will sit on this site and will wait for end values to increase because the multiplier effect in increase in house prices and end sale prices is enormous when you relate it back to land value. I hope Senator Perchard will be reassured that I have absolutely no doubt that S.o.J.D.C., under the command of Senator Ozouf, will deliver and deliver quickly. The Deputy of St. Mary was critical of my dear friend Deputy Jeune. I think that Deputy Jeune is the master of learning that being concise ... the mistress, sorry, of learning that being concise is indeed a virtue that many of us would love to be able to deliver ourselves. I am certainly not able to do so. I thought the Deputy of St. Mary's comments were just simply half empty. He is looking for a problem with everything. Nothing is good enough.

Nothing is a good enough idea. He finds a flaw in the simplest, most elegant policy designed to help Islanders and I rarely have heard him ever say anything positive about any policy that has ever come forward in this Assembly. I found Deputy Tadier's comments, which continued from his previous conspiracy theories weird stuff, to be similarly odd and he seemed to engage in some sort of strange social economics that I was, I am afraid, completely unable to understand. In conclusion, this is a good plan. It is not perfect but it protects the countryside and it delivers affordable housing. It provides a variety of protection methods. This is just one of my belt and braces mechanisms. The policy is already gaining support outside this Assembly and I am delighted that the forward thinking President of the Association of Jersey Architects is now an enthusiastic supporter of my affordable housing policies and is convinced that under the mechanisms where the Association of Jersey Architects and the Jersey Construction Council will be involved in the negotiations, that the construction industry's vitality will be appropriately maintained while providing an element of delivery of affordable housing. I commend the amendment to the Assembly and I call for the appel.

Deputy M. Tadier:

Can I ask for clarification as to what indeed were the conspiracy theories to which he was attributing to me?

Senator F.E. Cohen:

His previous speech in relation to the last amendment was that I was endeavouring to bring forward a policy in relation to the deletion of the 3 sites as some sort of cover for some other failure, which of course is complete nonsense.

The Bailiff:

The appel is called for in relation to the 50th amendment, lodged by the Minister for Planning and Environment. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 37

Senator P.F.C. Ozouf
Senator T.J. Le Main
Senator F.E. Cohen
Senator J.L. Perchard
Senator A. Breckon
Senator S.C. Ferguson
Senator A.J.H. Maclean
Senator B.I. Le Marquand
Senator F. du H. Le Gresley
Connétable of Grouville
Connétable of St. Brelade
Connétable of St. John
Connétable of St. Saviour
Connétable of St. Clement
Connétable of St. Peter
Connétable of St. Lawrence
Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy R.G. Le Hérisssier (S)
Deputy J.B. Fox (H)
Deputy G.P. Southern (H)
Deputy of St. Ouen
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy P.V.F. Le Claire (H)
Deputy J.A.N. Le Fondré (L)

CONTRE: 1

Deputy M. Tadier (B)

ABSTAIN: 0

Deputy of Trinity
Deputy S.S.P.A. Power (B)
Deputy K.C. Lewis (S)
Deputy of St. John
Deputy A.E. Jeune (B)
Deputy E.J. Noel (L)
Deputy T.A. Vallois (S)
Deputy M.R. Higgins (H)
Deputy A.K.F. Green (H)
Deputy D.J. De Sousa (H)
Deputy J.M. Maçon (S)

Deputy J.M. Maçon:

Can I propose the adjournment?

Deputy R.G. Le Hérissier:

Before we have the adjournment, can I ask if the hours can be restructured to 9.30 a.m. to 5.30 p.m. with only an hour for lunch. I think that would be a better use of the time. I sense we are operating in a Parkinsonian fashion. We are expanding to fill the time available. If the day was run in that way I think it would be brisker, if that is possible, rather than being dragged out at either end.

The Bailiff:

Is that seconded? **[Seconded]** Does anyone wish to say anything briefly on that?

Senator P.F.C. Ozouf:

If I may, Deputy Parkinson from Guernsey was here last week, and that is his father that one is referring to, it may be of interest to Members. I do not agree at all with that. Some of us have got to do ministerial duties and other matters of Scrutiny and it is simply impossible to try and conceive of getting that business done in a constrained lunchtime. If it is an hour it will only be 45 minutes and one simply cannot get on with one's business. One needs the 9.00 a.m. start, that is okay, but one must keep the lunchtime as it is, otherwise the business of government, with days upon days of sitting, just cannot be sustained.

The Bailiff:

It is a matter for Members. Does anyone else wish to say anything very briefly on this?

The Connétable of St. John:

Very briefly. I fully agree with the Minister for Treasury and Resources there. I think the quickest way to get this debate through is to remove the radio from the building. **[Approbation]**

The Bailiff:

Deputy Le Hérissier has proposed to sit from ... at the moment the Assembly has agreed to sit from 9.00 a.m. until 6.00 p.m., with the usual one and a half hours for lunch. What is proposed now, Deputy, if I have understood it, is to sit from 9.30 a.m. to 5.30 p.m. but with only one hour for lunch. Is that seconded? **[Seconded]** Is the appel called for? The appel is called for, so if you wish to move with Deputy Le Hérissier to the hours I have just mentioned you vote pour. If you want to stick from 9.00 a.m. to 6.00 p.m. with an hour and a half for lunch, you vote contre. The Greffier will open the voting.

POUR: 11

Connétable of Grouville
Deputy of St. Martin
Deputy R.G. Le Hérissier (S)
Deputy J.B. Fox (H)

CONTRE: 24

Senator P.F.C. Ozouf
Senator T.J. Le Main
Senator F.E. Cohen
Senator A. Breckon

ABSTAIN: 0

Deputy G.P. Southern (H)	Senator S.C. Ferguson
Deputy of St. Peter	Senator A.J.H. Maclean
Deputy P.V.F. Le Claire (H)	Senator B.I. Le Marquand
Deputy J.A.N. Le Fondré (L)	Senator F.du H. Le Gresley
Deputy S.S.P.A. Power (B)	Connétable of St. Brelade
Deputy M. Tadier (B)	Connétable of St. John
Deputy T.A. Vallois (S)	Connétable of St. Saviour
	Connétable of St. Clement
	Connétable of St. Lawrence
	Deputy R.C. Duhamel (S)
	Deputy of St. Ouen
	Deputy J.A. Hilton (H)
	Deputy K.C. Lewis (S)
	Deputy of St. John
	Deputy A.E. Jeune (B)
	Deputy of St. Mary
	Deputy E.J. Noel (L)
	Deputy A.K.F. Green (H)
	Deputy D.J. De Sousa (H)
	Deputy J.M. Maçon (S)

Deputy A.E. Jeune:

Given that most Members will be going to a dinner on Wednesday night, would it be reasonable to ask that we finish on Wednesday at 5.00 p.m.?

The Bailiff:

Can I suggest that the Assembly consider that nearer the time?

Senator P.F.C. Ozouf:

May I propose the adjournment?

The Connétable of Grouville:

I was going to suggest that perhaps we should ask Members not to keep asking for the votes that we made. The votes are put on the board in the Members' room which they are quite open to read. This is a time-wasting exercise simply to get on the radio. I am sorry, it is getting ridiculous and wasting time.

Deputy M. Tadier:

The Connétable does not appreciate that those who listen on the radio cannot have access to the Members' rooms and it is also important for those Members who do take an interest in Jersey politics that they know exactly what is going on.

The Connétable of Grouville:

There is the *Jersey Evening Post*.

The Bailiff:

Before we adjourn, can I inform Members of certain documents which have either been lodged or presented. First of all there is an amendment to an amendment of Projet 38, Draft Register of Names and Addresses (Jersey) Law, lodged by the Corporate Services Scrutiny Panel. Secondly, there is an amendment lodged by the Corporate Services Scrutiny Panel to an amendment to the Draft Control of Housing and Work (Jersey) Law. Thirdly, there is the Draft Sea Fisheries (Amendment No. 2) (Jersey) Law, Projet 119, lodged by the Minister for Economic Development. Next are comments lodged by the Privileges and Procedures Committee on the Draft States of Jersey (Miscellaneous Provisions) Law, Projet 99. Finally an amendment to the Draft Civil

Partnership (Jersey) Law, Projet 85, lodged by the Education and Home Affairs Scrutiny Panel. All of those matters have been lodged. Very well, the adjournment has been proposed, so the Assembly will reconvene at 9.00 a.m. tomorrow morning.

ADJOURNMENT

[18:11]