

# STATES OF JERSEY

## OFFICIAL REPORT

THURSDAY, 13th MAY 2010

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[9:31]

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

**PUBLIC BUSINESS – RESUMPTION**

**1. Millennium Town Park: commencement in 2010 (P.42/2010):amendment (P.42/2010 Amd.) - resumption**

**The Deputy Bailiff:**

The States now resume debate on the amendment to P.42.

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

May I declare an interest in this because I own a property that affronts it and I understand the value of that property could be affected by decisions here?

**The Deputy Bailiff:**

Very well. I have no notification here of Members wishing to speak but does any other Member wish to speak?

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

I think I would like to start by not challenging but questioning where Deputy Duhamel was coming from yesterday. **[Approbation]** I was just slightly mystified at his contribution to the debate. As one of those people who took part in the collection of the signatures at the time, what was said to us when we were collecting the signatures was that all the people who signed the petition, and it was 16,000 plus, agreed there should be a park across the whole site. They did not want development on the site; they wanted a green park across the entire site. But the people who lived within the vicinity of the park and used it for overnight parking and the shoppers and the commuters wanted somewhere to park. So it was not a question of it had to be underground at the town park; they just require parking somewhere within the area so that they did not lose out. That really was the crux of it. It was neither here nor there. It was not a question of it had to be underground at the town park, so I have to disagree with the impression Deputy Duhamel was trying to put across yesterday **[Approbation]** because he was wrong. I think all those who were involved in the collection of the signatures at the time would agree with me. I was there alongside a lot of others who did it and who have been involved right from the very start and knew exactly what the public wanted, and what the public want is a green park across the entire site. I just wanted to get that out of the way first. The Chief Minister mentioned yesterday that the States had agreed previously to a park across the whole of the site which they indeed had but he felt that the Council of Ministers had to balance the demands for social housing, parking and open space in the area. I agree there are demands for all of those but I believe that those demands can be accommodated elsewhere which I will come on to in a short while. So I do not accept that the only way that those demands can be met is by building on the town park; I do not agree with that at all. He also said that he did not believe that building on the town park would delay the delivery of the park. I simply cannot accept that. Last year, when it was decided at a public meeting that the Minister for Planning and Environment attended at the Town Hall when the subject of Ann Court was being discussed, it was then agreed that the Minister for Planning and Environment would carry out a Masterplan of the North of St. Helier. It was suggested that the plan could be delivered in a 3-month timescale. That 3-month timescale has basically turned into a 15-month timescale **[Approbation]** which we have not even debated yet. So if it has taken us 15 months to get a North of St. Helier Masterplan, goodness knows how long it is going to take the additional health impact assessment which we will need if we are going to build on the site; the traffic impact assessment. So this idea that we can build on the park and it is not going to delay the delivery of the park, I do challenge. If the Chief Minister wants to come back in his summing-up to convince us that he believes that that is possible; I just cannot see it myself. The past 2 days I have spent worrying about this debate and as we have got closer to the debate, the height of my worrying has reached epic proportions because it has been

such a long time to getting here. I realise now we are coming so close to making a definitive decision about whether to build on the town park site or not to build on it and, to me, that is what it comes down to. Are Members going to vote for building on the town park site or are they not? The issue was always the parking. When I was involved in the implementation group in 2005 when the then Chief Minister, Frank Walker, asked me to take this forward, a terms of reference was agreed with the then Council of Ministers that there would be a green park across the entire site. I have struggled since then to understand why suddenly the position was reversed [**Approbation**] because I believe that if this idea had come out of the Council of Ministers they would have delivered the park but it has been allowed to just drag on and on and on because other things have taken priority. The Waterfront took priority over it; I accept that, but I believe it has just dragged on and on and on. I am going to appeal to the Council of Ministers to try and understand what it is like for those people who live within 400 metres of the town park site. I am going to appeal to those Members who live in country Parishes where they have plenty of space. This is not a town issue versus a country issue. I do not see it as that. I was thinking about this this morning; I like to see Jersey as one big family. We are a small Island, for goodness sakes, we should be looking out for each other's interests but I do not believe that we do, not in a way that we should. This morning I woke very early because I had a bad night, yet again, worrying about what was going to happen today; the decision that was going to be made today. I was out walking my dog at 5.30 a.m. this morning. I went to a green lane where I normally go in St. Helier - and we do have a few - and watched the sun come up.

[9:45]

It was peaceful around me and I thanked God (a) that I woke up and (b) that I was fit and healthy enough to make the walk to where I was going and to witness what I had seen. Then I started thinking about those people who live within 400 metres of the town park site; those young people who are not able to do that and the older people who are not able to do that. So I started thinking about them and their quality of life. I asked the Statistics Unit to provide me with some data to try and get across ... because I am really struggling here. I am thinking to myself: "What can I say to persuade those Members who are not convinced of the arguments; what can I say to get you to change your minds?" This is some of the data that I received from the Statistics Unit. The total resident population within the 400 metre radius of the perimeter of the town park - that is 400 metres (we all probably ran a 100 metre race when we were kids) it is 4 times that 100 metre race that you ran as a child - on March 2001, on census day, was 8,026 people. This represented slightly less than 10 per cent of the total Island population. That is the total Island population lived within 400 metres of the proposed town park and almost 30 per cent of the total population of St. Helier. The total number of households in that area was 3,932 households representing 12 per cent of the total households of the Island. The total number of addresses which includes residential and business was 5,033. That is 5,033 residential and business addresses within 400 metres of the town park. That is a tremendous amount of people who will benefit from this green space. This does not take into consideration all the development that has happened in St. Helier since 2001. We have Berkshire Court which I believe was built in 2001, so it would not have figured in the census at the time. Salisbury Court is currently being built on. I am not going to go through all the sites because 2 Members spoke about all the sites that are in the North of St. Helier Masterplan that are down as residential sites and there must be about 10, suffice to say that the population has increased since that time. St. Helier has the highest population density of any Parish in Jersey; no surprise there. But when you start to compare a population density as people per square kilometre, in St. Helier we have 2,743 people per square kilometre followed by St. Clement at 1,951 and St. Saviour at 1,343 people per square kilometre. If we look at the age makeup of the people who live within 400 metres of the proposed town park, in March 2001 there were 1,122 children aged 15 years or below and then we have an additional 345 young people aged between 15 and 19. Remember, this does not take into account the new development that has taken place since that time and the proposed

development that the draft Island Plan will be seeking. Of the total adults living within 400 metres of the town park in 2001, 1,244 people were older than 60 years not counting all the new developments since the census has taken place. One other very relevant statistic to come out of the data was the fact that the measure of overcrowding is the number of 2-person households living in one room. In the area within 400 metres of the proposed town park there were 195 households; 14 per cent of 2-person households in that area, that is 2 people living in one room. This was far higher than the Island average where only 4.8 per cent across the Island of 2-person households existed. I do not believe I can put it any more strongly than that to those people who still are not convinced of the need for a green space across the whole of the town park. I just do not think I can say, really, any more than that. All I can do is appeal to those Members who may be teetering on the edge, undecided. Try and imagine what it would be like if you were living within 400 metres of the town park and you have young children or elderly relatives who did not have a car and needed a green space to go to. I just hope that in the seconds that it takes to vote that all the aspirations, the wishes of so many thousands of people and all the people who have fought so hard for the town park are not destroyed in those seconds by Members of this Assembly who really either cannot see, do not want to see, or simply just do not understand the issues. So I would appeal to you, please, to consider in your deliberations of not supporting the Chief Minister's amendment. Thank you.

**[Approbation]**

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

Is it in order to urge the Minister for Housing and Minister for Planning and Environment to speak so that we can have their cards on the table in this debate?

**The Deputy Bailiff:**

Well I am not sure whether it is in order or not but you appear to have done so, Deputy. Does any other Member wish to speak?

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

I am really disappointed in the way we are proceeding; let me explain. I was a long-term Deputy in St. Helier No. 2 and I have always 100 per cent supported the town park. I have given it my full support and I continue to do that because I think it is absolutely vital for that part of St. Helier and the community that this park is put in place as quickly as possible. I have to say in all the discussions taking place at Council of Ministers, all Ministers are on board to achieve this park. I see one St. Helier Deputy nodding her head. That is not true. They are all on board to achieve this park as soon as possible. The Council of Ministers have to, as rightly said by Deputy Hilton, balance the needs on housing, open spaces, car parking. This St. Helier Masterplan gives us an opportunity to look right across the board on all the issues in regard to open spaces, housing and car parking. I have a real, real difficulty. Here we are, a year I stand today as the Minister for Housing in real difficulty - I have to say that - in real difficulty over housing, particularly elderly people, the waiting lists increasing all the time. I have the Minister for Planning and Environment and Council of Ministers who are agreed that they would like to see some homes in part of the site and, of course, so would I, because, as I say, my housing lists are increasing and I have a public duty, as we all have in this Assembly, to find affordable homes for Jersey people. But I have to say that the way we are proceeding as an Assembly it seriously worries me that we have an Island Plan in the process of being looked at by the independent planning inspector, evaluated, where one Constable of one Parish who during his election campaign knocked on every door and said: "No more homes. No more homes in my Parish." We have got one of the finest sites in the Parish of St. Clement which would be ideal for sheltered homes, for a new Eastern Good Companions Club, everything, and now I am told that that site is going to be taken out of the Island Plan. I think we are in a huge mess. Our planning is - I am not blaming the Minister - I just think it is a complete and utter disaster as far as Housing are concerned. There are sites, as I say, in St. Clement that could meet the needs of Housing, sites that are highly recommended by the planning officers as one of the best

sites in Jersey. In all the public consultation on the Island Plan, the general public (apart from those who were canvassed by the Constable of the Parish) have no real objections to some development on some old, derelict glasshouse sites that are within the built-up area. As I say, I am dismayed that the Housing Department with our needs are a pawn in the game at the moment and we are in the middle of it. I know Deputy Shona Pitman, for instance, has been recently on to me about some elderly people in St. Helier, disabled people, that need re-housing. I am getting this demand weekly and I just would not like to frighten people to tell them the amount of people that are now waiting to be housed with a view to the economic ...

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

If the Minister would give way? Do we have a criteria yet for the sheltered housing? Could the Minister explain or do we still have waiting lists in the Parishes and waiting lists in the Housing Department?

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

There will be within the *Whitehead Report* which is being prepared, the report and propositions are being prepared now for debate, and within that report there will be common criteria for all housing and all kinds of social housing and that is, at the present time, being worked on. But the Housing Department has criteria. It has criteria for housing people in need; quite clear and it is quite well understood at the moment. Not ideal but it is quite clear and it is quite well understood at the moment. I desperately want homes and I would desperately accept 80 homes on this site. But I do believe that the North of St. Helier Masterplan should be debated first. It will give a clear indication, certainly to my department, certainly to me, on where we go in future with development in that part of town. I am extremely concerned that, in fact, the Island Plan, the way we are going, will not even be debated in this session. We have not had one sheltered home built on re-zoned sites in the last 10 or 15 years. Not one on a re-zoned site. As I say, as much as I support 100 per cent this town park, I am still unsure. I am unsure because I need to see the Masterplan debated whether we should be putting homes on there. It may be but I have a great sympathy for the people around there about, as I say, having homes on part of this site. But I realise the great difficulty that the Minister for Treasury and Resources and the Minister for Planning and Environment have in trying to balance the needs of housing, open spaces and car parking in an area that car parking is so vital. As I say, I am really disappointed at the way we are proceeding. I am 100 per cent on board. I am on board with the St. Helier Deputies and the Connétables and I really would urge Members that commonsensically it just makes sense that we should at least debate in the next few weeks the North of St. Helier Masterplan. If at that time Members feel that there should not be any homes on the town park, then so be it. I heard Connétable of St. Ouen and I think Connétable of Trinity yesterday saying they had some concerns over it.

[10:00]

But in reality the most commonsensical thing to do is to debate the Island Masterplan and at least we will have a plan that will be approved by this Assembly and then we can move on. I do support the town park 100 per cent for the residents but I would like, at this present time, to support the amendment for the reason that I have explained.

**1.1.2 Connétable L. Norman of St. Clement:**

I have not used these words before, at least not for a long time: I did not intend to speak. **[Laughter]** But I have been inspired by the last 2 speakers to make a short contribution and I want to console the Minister for Housing and remind him that St. Clement has claimed more than its fair share in contributing to housing the people of this Island and currently there is a plan with the Planning Department for some 42 sheltered houses on a site in St. Clement. We are certainly playing our full part in helping to house the population at all levels, including the social level and in the retirement home level. There is no need for re-zoning of any more sites. But it was Deputy

Hilton's speech which I was very interested in. It was emotional, heartfelt and absolutely genuine. But she mentioned the number of homes that were some 400 metres from the perimeter of the town park and one of the sites she mentioned was Berkshire Court. I started to think about that. Is that really only 400 metres from the site of the town park? It really feels and looks like a lot more. Now it may be 400 metres as the crow flies but certainly not if you are walking to it. I would suspect it is even closer to Howard Davis Park walking than it is to the site of the town park. I do not know; I have not measured it.

**Deputy J.A. Hilton:**

Sorry, a point of clarification. I was not making the point that Berkshire Court was within 400 metres as such. The point I was trying to make was the sheer amount of new development. I do not know whether Berkshire Court is within 400 metres. The point I was trying to make it is very close but it was the amount of new development within a very close distance of the proposed new development. Thank you.

**The Connétable of St. Clement:**

I thank Deputy Hilton for that clarification but certainly I got the impression, because she mentioned Berkshire Court in the same breath as she mentioned 400 metres from the perimeter of the town park, she was saying that that was the case. As I say, I suspect it is closer to the Howard Davis Park. But on that basis it may be that open green spaces near to Berkshire Court and other places like that may be of greater benefit than just one large open green space further away from it. So it seems to me now logical that at least we should consider the alternatives for the benefit of the residents of Berkshire Court and in that area rather than jumping in today, I think for a few weeks, before we debate the North of Town Masterplan. It just seems to me logical that we should do that for the benefit of those residents rather than, as I say, just jump into the initial large site.

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

First of all, let us get one thing absolutely straight, this debate comes down to whether one-seventh, or a vergée, of the area that is identified as being able to be used for a town park should be built on and the benefits that are attached to it. We are not - and I repeat not - saying that the town park should not be provided and we should get on with it as quick as possible. That is the first point. The second point is the decisions and the number of people, I fully understand, 10 years ago or more now wanted a town park. At that time they were only given that choice. They were not given the choice that we are providing them with today which is that we can look at a slightly bigger picture for the whole of that area, look at how we can use public land - and I am going to come back to that - to improve that part of St. Helier not only for the residents in St. Helier but for all of the Island. Because ultimately St. Helier, as much as we have heard it being compared with St. Ouen, I am sorry, it is our town. It is the capital of our Island. As such, it is focussed and delivers and provides business and retail so that all Islanders can come and enjoy and benefit and many other facilities besides. It is interesting that on the one hand we hear the Constable speaking about open spaces, or the lack of them. I would like to remind the Constable, and maybe on another occasion he can respond to this question, whether or not his calculations have included the 17 acres plus of open, undeveloped land - okay, it might be 100 feet above St. Helier but is in the heart of St. Helier - which is the land surrounding the Fort Regent. No one has mentioned that and yet there is that superb area that can be and should be made use of. But, no, let us take the very narrow view and just look at one specific item. Furthermore, the Constable also promotes the idea of open spaces but when it comes to the Parish land it is a totally different matter then. Let us think about what has happened in recent times. Applications have been put in for an area of land owned by the Parish on Westmount. Is it low density housing because the Parish has already got too much housing? No. Fifteen stories; large development: why? Because the Constable recognises that he needs to maximise the use of that land. The whole point behind the North of St. Helier Masterplan and the discussions that we are having about St. Helier and other areas is that we need to not only

look at the uses of public space, public land, but how we can maximise the benefit. Not financial value. That is why we are - and I come back to the point - literally focussing on one-seventh of the overall area that has been spoken about for the town park. The final point that I would like to make which, again, has been avoided by most of the speakers is that the residents in the area include obviously businesses and access to that area as very important. It is all very well to talk about sustainable transport policies and I absolutely support the idea. But - and it is a big but - the reality is that we are a society that enjoys our own independent transport. As we are well aware, the residents already utilise the area to park their own cars. Currently suggestions have been made about parking solutions to the area but I ask if those solutions were practical, why have individuals not already provided those parking solutions? Equally, the residents need access to parking. Shoppers need access to parking if we are going to maintain the businesses in that area, if we are going to have and make that area of town a vibrant part of town which surely has got to be our desire. Now I am not, and I cannot say, that the North of St. Helier Masterplan meets everybody's requirements. I have not had proper time to consider it, to be honest. What I can say is, let us give it a chance. Let us at least properly consider the wider aspects and the opportunities that that plan provides before simply deciding on this particular proposition unamended. Also, on the final point regarding open spaces, I believe that this Assembly and this States has, over many years, invested very, very large sums of public money to improve St. Helier, to provide additional open spaces. We have just enjoyed last weekend the benefit of 2 open spaces down at the Weighbridge: the Liberation Square and recently the Weighbridge Square. Who provided that? Was it the Parish? No. It was the Government, the States, the public as a result of its spare money. Has it benefited the area? Absolutely. Do we want to continue improvements? Yes. Should they be reasonable? Yes. I just ask Members as they consider whether to support the Chief Minister's amendment that they do look, as we are required to do, at the bigger picture.

#### **1.1.4 Senator B.I. Le Marquand:**

The Members of this Assembly can have no doubt about my commitment to the town park. In the budget debate I spoke passionately in favour of and voted for the allocation of £10 million. I then spoke about issues of overcrowding, some of the worst accommodation in the Island, the traffic issues, the air pollution issues, the noise issues and the law and order issues. I spoke with unusual passion on that occasion but that has not left me in any way. The town park must be delivered and the work must start straight away and there is no reason why not. It is quite clear that a town park is going to be built on the whole of the Talman area and it is quite clear that there is going to be a town park area on most of the other areas as well; most of the Gas Place area. That is not in any way disputed; there are no differing opinions in relation to that. So that work, particularly the work of remediation of the ground, can start. It should start as soon as possible and we should get on with it and we should have in place, certainly the Talman site, very quickly indeed. I look forward to that and to my colleagues delivering that and will continue to press them in relation to that. But the problem which I have is the wording of the proposition as unamended because it does not just preclude the building of housing accommodation which is highly controversial, it also precludes the building of underground car parking. The effect of the proposition unamended is that there will be a loss of 390 public car parking spaces. Now underground car parking ...

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

I am sorry to interrupt the Senator, if he will give way. I did take advice from the Solicitor General yesterday and I believe that the interpretation that some Members are putting on the proposition is not accurate. **[Approbation]**. It might be helpful to hear from the Solicitor General exactly what uses will be precluded if the amendment were to be rejected.

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

Senator Le Marquand, do you wish to continue your speech or do you wish to hear from the Solicitor General first?



**Senator B.I. Le Marquand:**

I will very happily give way because this is an important issue.

**1.1.5 Mr. H. Sharp Q.C., H.M. Solicitor General**

May I divide what I am about to say into 2 halves. First of all, whatever the proper interpretation of the original proposition is, it is always open to one or more Members to re-open the debate, to seek amendment or even rescind an earlier proposition. So from a strictly legal point of view the original proposition is not a binding document as such. Insofar as I am being asked to construe the original proposition and as to whether or not it precludes the development of an underground car park, I do not share that view. The background to the proposition was the petition which clearly stated that there was substantial public support for a public town park with underground car park and that is the basis upon which I construe the proposition. It is right, of course, to say that a prospect or otherwise of an underground car park is not expressly set out in the proposition. However, what is said at (d) is that the land should not be used for a multi-storey car park or any other use that would preclude the creation of a public path on the site. In my view, the creation of an underground car park is not inconsistent with (d) because an underground car park still permits the creation of a public park.

[10:15]

If I am wrong about that then it simply means that the States at the time gave no consideration to an underground car park and there is no proposition one way or the other but, as I say, (d), as I read it, does not preclude the creation of an underground car park.

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

May I seek a point of clarification? The Solicitor General, referring to the proposition rather than the petition in part (b), has said that part (b) does not preclude underground parking. Does the wording “and no part of the site should be developed for housing or other uses” preclude development above ground, for example, the example that was used, a toilet block or a small café or something like that on the town park site?

**The Solicitor General:**

My view is that whatever the correct interpretation of the original proposition is the development of a small structure that you are describing is ancillary to the creation of a park and within the contemplation of a town park.

**Senator B.I. Le Marquand:**

Could I just myself seek clarification before I continue with my speech? I have understood that everything that the Solicitor General has said applied to the original proposition of some years ago and not to the proposition now of the Connétable of St. Helier. Can I seek confirmation of that because there was an ambiguity in what he said?

**The Solicitor General:**

I am sorry if there is any ambiguity, I am talking about the original proposition that goes back to 1997.

**The Connétable of St. Helier:**

Could I just follow that up? I believe that Deputy Le Fondré was asking about the P.42 and received confirmation from the Solicitor General that ancillary structures such as toilets and so on would not be affected by the proposition.

**The Solicitor General:**

Yes, I confirm again that, an ancillary structure, I do not see any difficulty.

**Senator B.I. Le Marquand:**

I will continue now; that has not changed my position at all because, frankly, the wording as we have at the moment is too wide. I am quite clear, even if the Solicitor General had taken a different view, I am going to take a view that it is too wide and it precludes underground car parking. Indeed, parts of the debate that we have had so far have made this particular assumption. That is my problem: that the unamended proposition will remove 390 public spaces. Now we are told that underground car parking as envisaged underneath the park can provide 200 spaces. The fact is that people who live in the area do not just need a town park and need it early, they also need a reasonable parking provision and they need one, not in Green Street, nor in Pier Road, but in the immediate area around. It is very important to many people who live in the town area that they are also able to run a car: single parents who take children to nursery schools and things of that nature. This is a very important issue. I do not want to lessen our enthusiasm for a town park to improve the life of people in that area in one way and then to diminish it in another. I want both the town park and also the underground parking facilities. Now I am frankly unconvinced by the alternatives and somewhat nebulous suggestions which have been put forward as to where that additional car parking to replace the 390 is going to come from. So I am supporting the amendment. However, I have put my colleagues on notice that that does not mean that I am supporting the building of flats on the site. I am not yet decided. At the moment I am probably leaning against it but I am not yet decided. Nor does it mean that I am going to support the North of St. Helier Masterplan as a whole. But what it does mean is that I am continuing to strongly support the town park to be delivered soon but with underground parking facilities.

**1.1.7 Deputy J.A. Martin of St. Helier:**

We have got so much legal advice going around but I think the Solicitor General has quite clearly pointed out that ancillary ... and who is going to deliver a park that does not have a toilet and things like that on it? Sorry, no, not in St. Helier. I have to start as to how we got here. It is 13 years ago in 1997 that P.190 was lodged with all those signatures and we are debating this flat park on 13th May 2010. I hope the third 13 might be lucky for some because there are at least 10 St. Helier representatives, probably a couple from St. Saviour and then as many people as we can muster but I will not hold my breath for that. Before I get into probably having a go at a few people (which they may not like) and it is not normally my style to point out the obvious **[Laughter]** I would like to congratulate Deputy Hilton on her speech today. It moved me and I have been kept awake at night. I watched the faces as she was speaking. Cynicism on a lot of faces. We are worried about the people who live in this area and I really cannot believe the things that have been said. Let us have it again. Let us have jam tomorrow. We had rows, Deputy Hilton and I, about Ann Court and this is how we got here. We persuaded the Minister for Planning and Environment after a meeting at the Council of Ministers and a meeting at the Town Hall that, yes, the whole lot of the North of Town needed looking at and Hopkins has come up with a vision. A vision. It does not matter which way you vote today, everything in that plan will not be delivered. It will not be delivered. We are here wanting to know: do we have full support of a town park that covers the whole of the area that was put in the proposition? There is nothing in the Constable's proposition to preclude underground parking except I would like to know exactly how much per space it will cost. We do not know and you will not know in June either. A vision. The petition - and Deputy Hilton touched on this - I was out collecting signatures. I stood outside Checkers in St. Saviour. I stood outside right out in St. Brelade at Red Houses. The people who signed the petition then were not concerned about the parking. They had no problem with the parking. The main people who had concerns, yes, were the residents who lived in the area or commuters who used that long-stay private car park. Well the private car parking is going. The private car parking is going. I cannot help but touch on Deputy Duhamel's speech because Deputy Hilton was quite surprised about his speech. Well I will tell you now about Deputy Duhamel: he tried to pull apart the proposition. I had had a bet on him for 4 weeks to bring the proposition P.190 in and said it did not mention underground car parking. The petition did; the proposition did not. He lost. I will not tell you how

much we had a bet on it **[Interruption]** ... I have not but I have said I will have a cake on it instead. A nice cream one which I can shove somewhere preferably. **[Laughter]** No, but what Deputy Duhamel wants; he does not want a Hopkins, he does not mind a flat park but he wants 600 spaces of underground parking at least put under it. That will never happen. We have not got the money. The Minister for Planning and Environment is shaking his head. I know Deputy Duhamel very well and in his own words he is very dogmatic. He does not want either of these; he wants his solution, his version of the underground parking. He believes it can be delivered and he believes it will be a lot cheaper than was quoted 13 years ago, 10 years ago and even what was quoted now. He believes that. So if anyone is under any illusion whether the Deputy did not go to the Isle of Man to deliver that lovely speech yesterday ... well it did not convince me but I am telling you exactly where he is coming from. He wants the Deputy Duhamel version of the town park and the underground parking. So then I listened. I looked the Chief Minister directly in the eye where he found a social conscience yesterday. He now decides we need 80 units of social housing on there. I am only in this House because I fought for social housing 5 years before I got elected and fought all the way along and I have been told: "We have not got the money for it. Trust will deliver." I listened with intent to Senator Le Main, the Minister for Housing. I and Deputy Breckon and others in here begged him not to sell the Sunshine Hotel site which we have spent millions for because it was ideal; absolutely ideal for over-55 housing. It is on a fantastic bus route; it is near the beach. What have we done? We have sold it. Le Coin site right next to Ann Court next to St. Clements is being now sold to Wesley Chapel developers. Not for social housing. So do not come to me and tell me we do not have the sites. **[Approbation]** Social housing costs money ...

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

Can I just explain? I did explain to the Deputy yesterday the reasons the Le Coin site was unsuitable for housing were the difficulties with adjoining properties. She well knows that.

**Deputy J.A. Martin:**

Yes, and I can explain that. There is some problem with the party wall; the other half is owned by a trust. I will not mention the trust but they provide social housing. It is not being offered to them; it is being offered to a developer who is developing Wesley Chapel. To me it does not make sense. You have the site there; it has been social housing. The Chief Minister - well this was classic - and I do not know why the Deputies all did not stand up and do their dance, he told us even with housing in St. Helier in this highly densely populated area, if we did not understand vergées, and me being a Cockney do not, it will be the size of at least 2 football pitches. Well, let me play football on it because you cannot do that up at Trinity. They get the hump if you go up to Trinity. **[Laughter]** The poor Constable of Trinity has had phone calls. He has had phone calls; we were on Parish land. How much Parish land does everybody from the Island come and sit on, work on, park on in St. Helier? How much? Deputy Duhamel and others seem to be having a go at the Constable of St. Helier and I know he is big enough to stick up for himself but he does not have a right of reply in this amendment speech. The Constable of St. Helier, against my wishes and many Deputies, has always stood up for the country Parishes. He voted for that bit of land up at Plémont which I have always said St. Ouen has got enough open spaces. I just drove my son up there today; he works on a building site. Once I got through St. Peter I do not think I saw a house again. Great; loads of fields. Do not come to me and say my Constable is being selfish. He is supported. He is saying: "Bring it on. We will take it in the town but give us some open spaces and good facilities." **[Approbation]** EDAW said Wesley Chapel should be a community centre. Have the high-rise part but have Wesley Chapel. No, we have sold it. The Deputy of St. Ouen after the Constable, I cannot let his speech go without ... he says our Constable is being greedy; he has got a 15-storey development going on at Wesley Court. Well is the Constable and the Deputy of St. Ouen willing to take this housing out there? No, I do not think so. Because our Constable and them, they do not want ribbon development; they do not want to look like Guernsey. Well that is fair enough but we have played our part. He also said have we thought about the area up at the Fort. **[Interruption]** I

said I must not get too angry but like Deputy Hilton I am so, so wound up that we are here today. He is the Minister for Education, Sport and Culture. If he wants people to get up there very ... you try pushing a double buggy.

[10:30]

Even if you can park in the car park and get to the facilities but if you have to walk from Gas Place to there or the 400 metres around, it is no fun. It is no fun. He talks about open spaces. He has got all the schools under his area; get some facilities open. There are facilities locked up more times than they are open. No, I am sorry. The Deputy of St. Ouen he says we must have the Masterplan because we are going to get more and more spaces in town, not just one open space. Well let me return to Ann Court. Now Ann Court is going to be the cash provider. The cash provider. Now the residents have already given up social housing there. This will be private housing of 120 flats and I do not know if they are 1, 2 or 3 bedroom, encased in a nice open space square. Now, if you think that any of those residents ... and also 450 underground parking spaces. Now, none of the St. Helier Deputies or even the town rejuvenation - and we have been round the residents - they are not too fussed about this. They did not want the multi storey car park stuck right in their residential area. Ugly, horrible, and we have got half the amount because it was up to about 800 or 900 spaces, whatever they say it was now. So this is where the money making is. Nobody is fighting that. This is the catalyst. Ann Court is the catalyst to get the vision started of the North of the Town Masterplan. Nobody in St. Helier is having a problem with that. But please do not tell me that open space will be like a town park to kick footballs about. It will be a nice place for the residents and commuters who work in town to go and enjoy a sandwich, but you will not be able to play noisy ball games. This brings me to the comments ... I love the comments from the Council of Ministers which is on the Millennium Town Park on page 5. This is me being very cynical again: "If a park is designed appropriately, taking advice from architects, not landscape gardeners, not people who design parks, but taking advice from architects and design professionals, there is the ability to create a space which people will spill out into when living there. It will be treated as an extension of their living space." Oh yes it will! **[Approbation]** If anyone is out there kicking a football, making any noise, they will spill out there very quickly and they will tell them to do one: "Get off of here! Do you live around here? No!" So our 2 football pitches are already down to 1. You put housing on that end to frame it, why can we not frame it with some lovely trees? We are not going to have residents hanging from there, are we? No. I cannot believe that people ... I have got Hansard going back, we are waiting and waiting for the Constable of ... my papers, sorry, I will be one second. I am sorry, because I do not normally speak for long. I have the Constable of St. Brelade: "Parking spaces to be taxed in town" because we have congestion, too much space. The best comment I did hear from the Chief Minister yesterday, he agreed with this: "We have got congestion in town. So put 200 spaces under the park and that will solve the problem." Well, excuse me, I live in the real world, how do you get there? Or is the next millennium? Are we in the flying car business? I mean, we have sky parks. I am sorry, it does not stop congestion. You are putting spaces there, people will be going around and around and around, commuters, not people who want to use the park. The Minister for Treasury and Resources is laughing. I am right. Look at last night, shame in St. Helier, we have social problems. You are cramming, as Deputy Hilton said, kids - these are kids ... Deputy Duhamel thinks that it is an Island project. I agree, it was the Island Millennium project. Well let us forget that. This is a town park, people will use it in the offices but do you think seriously anyone who lives out in St. Ouen, have got a leafy garden front and back and are filled at the back in Trinity or St. Lawrence, is going to jump in their cars and go: "Whoopee, the town park has been built now, let us go! Come on, let us leave our lovely leafy country Parishes, let us go there." It is the size of a football pitch now, but do not go near the other end and do not bring your footballs! There has been much made about this, you are going to hear from probably the Minister for Planning and Environment, he has held back but he privately and he said it on radio: "This will be the best social housing we have ever had. I cannot see a

problem.” Well I am sorry, even people who live in social housing do not want people kicking footballs outside. We have got it on all our estates, no ball games. It will also produce, because in 6 weeks time ... and you have really got to understand this and I am so sad that I have heard from the Constables and the Deputies who may be in support, and even Senator Le Main for Housing, who thinks they are going to come up with something different in 6 weeks’ time. They do not know the contamination underneath. The only one who knows and has really researched it is T.T.S. (Transport and Technical Services) and the Deputy of St. Mary. But we do know it is there. Start digging down for foundations for housing or underground parking, but if you really want the parking the most expensive 200 spaces ... and do not forget 80, that is one space per flat, one space per flat that they are allowing. No visitors, no visitor parking, one space per flat leaves 120 spaces. Now if that cannot be found over the next 10 years in that area ... and if anyone was listening to my Constable, he has found at least all them, just round the corner they can be done. But then why should we? Why should we? I am on Health, we are trying to get people out of their cars, we should be parking in the peripheries and it should be more residents’ parking. I am sorry for the commuters who have to come in to work from their leafy green country Parishes, and they might have to park at Green Street or Pier Road. The top 2 floors of Pier Road are empty all the time. **[Approbation]** Is it not it a long walk down to your office in Bath Street or King Street? No it is not. It is more convenient though to park at Gas Place and then that is why the Deputy of St. Ouen wonders why nothing has happened. Because the cars are still there and this has always been the problem. But we have overcome that. The North of Town Masterplan, as I say, go back to the money. This is something that the planners of the North of Town Masterplan have come up with and today we are having a fight over an area that is very small in comparison to the amount of people who live there. The Ministers want to make it smaller or they want the debate. As the Constable started yesterday, he said, and he quotes in the comments: “If you do not have the housing and the underground parking you can achieve nothing that Hopkins have put forward in the North of Town Masterplan.” This is the biggest load of ... it is a red herring. It is here to make everybody say: “Well, oh yes, we cannot have it.” But I have told you what we can have, the only one place even with the other open spaces, Belmont Gardens. Have you ever seen how big Belmont Gardens is? They want to put residential and open, fair enough. They can probably live with it, but do not tell me that you are going to put a nice area, even a paddling pool like they have got up at Millbrook Park. I mean, I have great respect for the Constable of St. Mary but she had to claw on: “Well I could not support this because the Constables proposition goes too far and says there might not be any toilets on there.” Well, we have had this cleared up by the Solicitor General. We are not proposing that. We are not even opposing the underground parking, if Planning and T.T.S. are silly enough to want to dig 200 spaces in the most marsh land in the middle of St. Helier, let them get on with it. I have no problem. What I do have a problem with is this housing. Now, you will be back here in 6 weeks’ time if you do not support the Constable today and vote down this amendment. Do not believe the hype that the rest of the town plan will not materialise, because the money is there. We have given up Ann Court, we are prepared to have 120 flats on that area, 450 underground parking spaces, nobody is complaining. The architect told me the other day that is the money maker. I asked where the money for the social housing was coming from on Gas Place. Nobody knows. Why have we not delivered it before? Because nobody has got the money. We are selling social housing sites, not now to trusts, we are selling them to other places. For the Minister for Housing he has in his own hands, he has high rise at De Quetteville Court which is a slum for families. But with vision, and Deputy Le Hérisier has been there and seen it, I have been there and seen it, high rise 24 stories high for over 55s. It has being going for 20 years and there is a waiting list as long as your arm. It is not what you might think, it is communal, they are looked on every day, there is a concierge on the door, nobody gets in. People are waiting to get into this place. Now, De Quetteville Court high rise is crying out for that sort of development. If he was to talk to a partner in crime ... sorry, a housing trust, who has 116 flats, one bedroom, they are there. It needs some caretaking space, it needs some community space and you could have 116 sheltered houses there. The trust would still get their rent, but we could provide a fantastic facility. I could

take him there tomorrow if he wants to talk about it. We have been discussing this site for many years, the flats are built but they are not being used to their potential. So I really do, I like Deputy Hilton, and I have spoken a lot longer than her, but she did say it all. We are worried. We do not want to wait any longer. 13 years to the end of getting the petition signed, which took about 18 months, it did not take ... there were people dedicated in the rain standing in all parts in different Parishes getting those signatures. It is the 13th today, this is about who really is in control of this and it does come down to that. Vote for the Council of Ministers, if you vote against the amendment you are voting against the Council of Ministers. No, please remember what this is about. This is about a flat park with no hindrance, as the Deputy of St. Mary said, it has already got good surveillance. People will regenerate. The Constable of St. Saviour said he is conflicted. Property prices will go up and they will improve around the area, but you will have a road in between, it will not be on the park. I will finish now but I would like to leave you with this London Square thought, I mean, I am sure all of us here watch Eastenders and you have got the square in the middle. How many people ... oh, well we have one dissenter and that is Senator Ferguson, well, not a surprise. Senator Ferguson does not know Eastenders and it is an old London Square, it has got a garden in the middle with railings round the edge. But you do not see any people playing in it. You do not see any people playing in it, they sit quietly. They normally meet there when someone has got a problem, it is all very ... you know, it is all a soap opera, as they would say. But we have got a London vision, we must have this park frame, it is rubbish. It is a small, small area. I see the Minister for Planning and Environment making notes. Well, I am sorry, he is not going to convince me and I am sure - and I listened to the Constables yesterday - he will not convince you in 6 weeks' time. He will have no more information for you on the cost, where the money is coming from and how far they are going to dig deep and, my God, what are they going to hit when they start digging? But, as I said, I do not have a problem with the parking. If you want to go underground, go underground. But do not reduce our 2 football pitches to one for public open space because there is lots of things we want to do there. My vision is a very similar vision to Millbrook Park.

[10:45]

I want a water feature there. It might be fountains. But I want a lot there. I want basketball facilities, I want kids to be able to run around, not little kids, not just little kids, all ages. Fathers playing with their sons. It really, really does disappoint me that we are here today, everyone supporting but ... We are fed up with it in St. Helier. The people who signed that petition are fed up with it. We really must get on with this. Yes, just because you employed the architects, as I started, I will say, I agree with their vision but please be under no illusion that to have 80 social houses on the end, and that is what we are being sold ... I will be told: "Oh dear, Deputy Martin, against social housing." No. I have been fighting for, I have been trying to keep sites that we have given away over the last years, nothing has been produced. Do not come to me now and tell me we can only have a park if we do this. It does not wash. It will reduce not only the size, nobody is seeing the people living in these houses will be looking out - and they will be looking out - but they will not be looking out for surveillance, they will be looking out to see what people are doing in front of their houses and they will be moving them on. Even if you can assure me today that it will not, it will be open space, give it a year. Give it a year when the Minister for Home Affairs' police have been called to the site so many times that they say: "Come on, we have got to stop this. We cannot have ball games. Fence it off or keep it quiet." All you will be allowed to do, like in Ann Court Square, you will be allowed to sit and eat your sandwich, which is great. But we not asking for much. I know I have gone on, I am really, really passionate about this, like everybody else who agrees. Today is the day to make your mind up. Do you really support a flat park? Forget about ... there is nothing in the Constable's thing about underground parking. Do you want a park over the whole area, which will probably then give you 2 football pitches and a netball field? But it will give you a good open space because you will be able to use all of it. That is the decision. We will

back here in 6 weeks' time and we will be having the same debate if you vote for this amendment. So I really do plead, like Deputy Hilton, please listen. Do not make us go through this again. The people of St. Helier want this open space and they want it as soon as possible. Not in another 13 years' time. Thank you very much.

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

Before we call the next speaker, can I just remind Members not to repeat points too often please, the debate is long enough already. Is there another Member wishing to speak?

**1.1.8 Connétable M.K. Jackson of St. Brelade:**

There is absolutely no doubt in anyone's mind that the north of St. Helier needs some regeneration and I have no doubt that this has been the result of an uncoordinated approach to planning in the area and possibly the procrastination of our predecessors, maybe driven by a lack of funding and alternative car parking. I can understand the frustration of the Connétable of St. Helier and the St. Helier representatives, and I empathise with Deputy Hilton's emotions and Deputy Martin's. But we are faced with moving goalposts in that development sites come and go, public opinion changes and of course funding sources come and go. I do take issue with the Connétable's unwillingness to accept the wording of the petition, which clearly indicated a requirement for underground car parking. But I see little point in going back over old ground. But Members will be aware that my department worked up plans for a multi storey car park on the Ann Court site on instructions from the previous Council of Ministers and these proposals were rejected as a result of opposition from local residents. It was agreed that a North of Town Masterplan be created in order to drive the regeneration forward. I mention this purely to emphasise the point that my department are the builders and traffic engineers but not the designers and architects of a development plan. This is an issue for the Planning Department and for this reason I am far more comfortable with the concept of an overall masterplan by those who are professionally qualified to do one. I would ask, is the Connétable proposing a children's play park, or what? We do not know. Is it a railed park? Is it a football pitch? I would suggest that a play park needs some sort of framing if you are going to prevent footballs flying around. Are we having a paddling pool? A paddling pool will need pumps and such like and while I do not argue with any of these concepts I think we do need some plan. We need some pictures which, as yet, we have not got. My department is producing a sustainable transport policy which is being discussed with scrutiny at the moment and I would expect it to be presented to the States for debate in September. I am worried about the traffic implications of taking this in isolation. The potential serious effect on the lack of replacement parking for residents and market users and the resulting parking chaos which could ensue. This basic loss of 389 public parking spaces is a big issue. The Gas Place car park is the only car park in St. Helier which allows parking for commercial vehicles of over 15 feet and replacement parking for this will be required. The Gas Place car park tends to be approximately half full overnight. This is residents. There is no tangible replacement parking for them at this moment. While Green Street and Pier Road and Patriotic Street have space at present, there is no doubt that it is a fair walk and I just cannot imagine, in all practicality, residents being prepared to walk that sort of distance to park their cars. Our policy focuses on getting traffic out of the middle of town in an attempt to remove the congestion which is now prevalent. In parallel, we have an obligation to consider the needs of residents, commuters, market and commercial needs and visitors to the area. Commerce is the life blood of a vibrant town and I am very concerned about prejudicing that situation. The balance is always delicate and sweeping away the residential and shopper parking at Gas Place, without providing any significant replacement, is to my mind fraught with danger. My view is that it is essential that some form of parking is provided at Gas Place underground and that this has to be funded. I contend that the proposal suggested in the North of Town Masterplan achieve this and suggest that this comprised situation - and it is a compromise - should be accepted so that we can proceed without any further delay. The risk of not adopting this approach is that those who are resident in the area, who live in the area, will be obliged to park in the outlying car parks, as I

suggest. I would suggest that it is relatively ... this is just so impractical and we must be surely practical in our approach. This is the concern that I hear on the street and I feel that the Connétable and the supporters are choosing to ignore these real needs of residents. It is my department's intention to proceed with the planning application for remediation work as it needs to be done, come what may. This will be submitted, I am assured, by officers during the coming week. I want to demonstrate that we want to move ahead with this without undue delay. We are conscious of the risks of all altering major car parking areas and warn that the use of selective figures proposing alternative parking as suggested have yet to receive planning approval, do not have any I.A.s (Impact Assessments), have not been passed by local residents and are extremely high risk. I would also suggest that consideration must be given to all users of the area, as well as the Island in general, and urge Members to respect the recommendations of the masterplan so that any grave errors which could be created by the adoption of this proposition in isolation, can be avoided. I conclude by reminding Members that the park is not purely a St. Helier park, it was destined to be a park - a millennium park - for the people of Jersey.

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

Can I just for a point of clarification from the Constable? He made a big play on the car parking. Where do you intend to put all the cars that you are so worried about while the park is being developed?

**The Connétable of St. Brelade:**

The intention is the present cars be moved to the temporary car park at Ann Court which is under development.

**1.1.9 Deputy A.E. Jeune of St. Brelade:**

I really wonder what it is the Connétable wants. He tells us he wants a town park. Well the Minister for Planning and Environment's design gives him that and also gives the people of St. Helier, and all other Islanders who come to St. Helier, several open spaces. He tells us this is what we voted for. No, it is not. Because what has happened to the parking? The original proposition which went back to the petition has been clarified this morning for us by the Solicitor General. But last year when the issue of the park was brought to the States as an amendment to the budget, I voted against it. I recall the reasons for that was because I did not believe it was deliverable for £10 million. The deliverable having been put to us in the opening speech of the amendment by Deputy Southern, which I will quote from Hansard ...

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

I wonder if I could just ask you to pause for a moment the house is inquorate. I call Members from the adjoining rooms to return to the Chamber please.

**The Connétable of St. Helier:**

While we have stopped, could I just ask that the current speaker addresses her comments to the amendment because clearly I am not able to reply to the comments she is making about my propositions.

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

We still need another Member, we have only 26 Members.

**Deputy A.E. Jeune:**

As I said, I would quote from Hansard of 24th September 2009: "By December 1997 we went ahead and purchased the Talman site which we did not previously own. So we have got the land, we were making progress. Sadly, there the whole thing went wrong. July 1998 a full consultation exercise was done with various options of the way forward and it was noted that the preferred option was for a full town park covering the full site with some underground parking. At the time



the suggestion was that there would be 3 floors of underground parking and that zoomed the price right up and that became a problem. In June 1999 independent evaluation of the financial aspects had been conducted and initial plans had been drawn up to meet the need for (a) the park, which is absolutely vital in the area and (b) the parking requirements.” The North of Town Masterplan appears to me, as it stands, to give several areas of open spaces which can be enjoyed by all. That, I believe, considers the elderly and disabled giving the various options of where they can go for outside enjoyment. It is not only about children, and Springfield is close by. Much has been made in this debate of the country fields. Well, these are privately owned spaces. They are not public areas or parks. The proposition appears to me to do one thing which is scupper the North of Town Masterplan.

**1.1.10 Connétable D.W. Mezbourian of St. Lawrence:**

There was no doubt that emotions would run high during this debate and we have of course seen that. However, I should like to bring it back to what I believe is the crux of the matter and that is planning.

[11:00]

Not long ago this House approved the rezoning of 48 vergées of land, including a number of green fields within 8 Parishes. Critics said during the debate that the proposals were ill advised, ad hoc, and should have been part of an Island wide development plan. They should, in fact, have been brought forward to the House as part of the next Island Plan. That would have allowed us to be better informed to make the decision whether or not to pour concrete and lose for ever those green fields. I could not and did not support that concrete pouring in such an ad hoc, ill considered and, to me, unplanned manner. We have appointed a Minister for Planning and Environment. The title, I believe, explains a lot. We approved that Minister of Planning and Environment’s proposal to deliver a North of Town Masterplan and he has done just that. What folly would it be to charge the Minister to deliver that masterplan and for us today to disregard the work, the time spent on it, and the money spent on it, when in 6 weeks’ time we can all have our say on those proposals. **[Approbation]** There is no doubt in my mind that the correct way of dealing with this issue is to debate the North of Town Masterplan and for us all to make an informed decision. An informed decision on it, in its entirety. To do otherwise, I believe, would be for us to negate our responsibility as Members.

**1.1.11 Senator F.E. Cohen:**

I am fully committed to the delivery of the town park and I will not propose anything that delays the commencement of works. I am very well aware that many Members are deeply passionate about this issue and I understand entirely, their concerns. If I could have produced a masterplan that delivered everyone’s aspirations, I assure Members that I would have done so. We have done our very best to deliver a masterplan but I do accept that it creates balances and some may not like the balances that are contained therein. T.T.S. are about to submit a planning application and when they do I assure Members it will be fast tracked. The Council of Ministers’ amendment seeks to do one thing and seeks to do one thing only, that is to give this Assembly the opportunity to debate the North of Town Masterplan. It does not seek to delay the start of the remediation works to the town park by even one day. Well over £100,000 has been spent on the masterplan. The public have spent time and energy in responding to the consultation process. Surely all this effort deserves a democratic debate by this Assembly, whatever its outcome. **[Approbation]** Voting for this amendment does not in any way signify that any Member will support the masterplan. It merely ensures that this Assembly has the opportunity to debate the masterplan in an orderly fashion. The masterplan has only just been lodged and Members need time to consider its content. Indeed, I also propose to make Members aware of possible modifications to the plan, to provide a number of options, including reducing the suggested apartments on the Gas Place site. Albeit, Members must

understand that all amendments will be, and bear, additional cost, some very substantial additional costs. The masterplan is an holistic attempt to improve the north of the town using the budget presently allocated and that is the £10 million that this House decided to allocate, and the use of £12 million from the car park trading fund. Changes may require additional funding if the masterplan is all to be delivered but that is a decision for this House. We have all walked or driven in the north of the town area and wondered at the beautiful villas lining the roads. The wonderful industrial buildings, such as the Le Seeleur building, and imagined just how it could all be improved and made into a premier area of the town. If you close your eyes you can see the completed north of the town. A premier area of our town, a place for us all to enjoy and a place for the residents to be proud of. The masterplan seeks specifically to piece back together the missing parts of the north of the town and will put in place the key public pieces of the jigsaw ready for the private sector to do the rest. If Members need to understand why the north of town is as it is, one only has to consult the maps of the town dating back particularly to the Richmond map, where we can see the line of where the town finished, and why the north of the town is as it is now. I do not believe that considering the town park alone today will do the best for the north of the town and it certainly will not deliver a realistic parking solution. I respect the comments made by the Constable of St. Helier and I understand that he has done his best to identify alternative car parking solutions. However, there is not another holistic car parking solution that has any chance whatsoever of working. The masterplan provides a number of key pieces of the jigsaw to regenerate the area. The specific key pieces are the town park, as an open area rather than a formal garden. It is not a London gated park. It is a Jersey park designed for Jersey. Albeit, I accept, that the present proposals are for some development to provide framing, to provide social housing and to make the holistic mathematics of the financials work. Of course, we are incorporating essential underground car parking. Secondly, the redevelopment of the Ann Court site and a creation of a second park in the area with further underground car parking. I accept fully the comments made by Deputy Martin that there is a danger that if this is to be a private development in that the units are not social housing, that some may try and claim that park for themselves. However, it is up to the Planning Department and this House to direct the use of that park and we have the planning authority to do so. Thirdly, the demolition of the Minden Place car park in time and its replacement with residential and commercial accommodation around another, and I accept, small green space. But green spaces are important in towns and much urban planning in other areas in the last 2 or 3 decades has been centred around providing pocket parks and we have all seen the usefulness of pocket parks when we have travelled around Europe particularly. Fourthly, the complete regeneration of David Place and Bath Street through reducing the traffic to single lane, widening the granite pavements and planting trees to return the street to its appearance of more than a century ago. Again, not difficult to imagine and surprising it has not been already, but it has not and this masterplan provides a mechanism for it to be done. We do not have to look very far to see the benefits of relatively small street improvement investment. My predecessor, Senator Ozouf, was extremely successful with his regeneration of the Broad Street area. A relatively small investment in the public area instantly resulted in investment in the private sector. We can repeat that in the David Place, Bath Street area relatively easily. Fifthly, a number of key pocket parks, and I have already described their importance. Sixthly, importantly - and I reiterate - the delivery of a holistic solution to the car parking by putting underground car parking on the Gas Place site, as originally envisaged by the States, and other parking under Ann Court. It is absolutely clear that while the States and while the petitioners envisaged a full town park, they also envisaged some underground car parking. This masterplan in its present form seeks to balance the 2. Members may not like the balance that we have struck, but we have an obligation to try and balance the issues. The creation of connecting routes to enable the pedestrian to easily access one place to another within the area and connect to the public spaces. It is no use creating public spaces if you cannot get to them and you cannot get to them in a safe and attractive manner. That, again, is another principle of modern, urban design. It may be helpful to remember why I undertook the master planning in response to other Members' wishes, and it was Members' wishes that I master planned, or that I undertook to

masterplan. At that time there were proposals for an unsightly multi storey car park on the Ann Court site. To make matters worse, this was at public expense. We all know that good town planning seeks to place cars out of the way below ground, if at all possible. There are exceptions, sometimes we have no alternative. But the principles of modern urban planning are get the cars out of sight by one of 2 mechanisms, either underground or get them out of the town and run people from the out of town car parks into the town. I fully accept that it is regrettable that the masterplan took so long and indeed it took much longer than I ever imagined. I had initially expected it would be a few months but it turned out to be a long and complex matrix and it was necessary to properly consult the public because the changes were so significant. But I have now lodged the North of Town Master Plan and it is lodged for debate on 22 June. A planning application is due to be submitted shortly by T.T.S. for the remediation of the entire site. That application will be fast tracked, as I have said, and determined as quickly as possible over the summer which would mean that the remediation work would commence in the autumn. Whatever the decision in relation to this amendment, that date will not change. Work on the park proper would commence on the site at the end of 2010, with completion targeted for 2011 mid year. Whatever this House decides to do, the timescale for planning application, remediation and delivery remains the same and the delivery time of a park, of whatever shape and size, will be the same. The time for debating the scale of residential development on this site, if there is to be any, the car parking solutions required in the area, the wider public realm and the regeneration needs is through the masterplan debate in June. Not today. Members will have by then had the time to consider the options and amendments, no doubt, will have been lodged. A vote now in support of an un-amended proposition may kill off the masterplan as each proposal is interrelated. I note some Members shaking their heads, but I assure them each proposal is interrelated. There are mechanisms to change proposals, but the consequences of change have to be fully understood by Members. The Ann Court development depends on the Town Park and Minden Place. The David Place improvements depend on Minden. Properly providing for shopper parking presently requires both the Gas Place and Ann Court underground car parks. So it is quite clear that take one out and the holistic regeneration may fail. If Members do not want such a large development on the Gas Place site, there is room for manoeuvre. But it needs to be in an organised debate in June to resolve and fully understand all the issues and I repeat that it will not have any effect on the start date for the town park. Should we really dismiss without debate, all the benefits and all the investment in this masterplan? Even with the proposed building on the east end of the Gas Place site, the masterplan will deliver more open space for the north of town.

[11:15]

We have heard that the original town park proposals, while they are reduced by approximately one vergée, there is an overall increase of one vergée through the small parks associated. It will deliver a permanent car parking solution for the shopper car parking in the area as opposed to a temporary and unworkable and guaranteed to be unsatisfactory, temporary parking solution. The development free car park proposition delivers no permanent parking solution and blights the Ann Court site in its present form. The current proposals will provide, as we have heard, 200 spaces underground or partly underground at Gas Place, 120 of these will be for shoppers. The proposal provides 400 underground spaces at Ann Court, 285 of these are for shoppers. The proposal provides for disabled spaces at Minden Place. The masterplan, therefore, provides presently 413 shopper spaces as against 390 at present. The masterplan results in major public realm improvements and the widening of pavements and the planting of trees along David Place, Bath Street, Belmont Road, Gas Place and the town park area and Minden Street. It will deliver much needed residential units and social housing units and it will be a broader, regenerative catalyst for the area. As Planning Minister, I am charged with the task of providing masterplans. These masterplans provide the framework for future planning of our island and they are very important indeed and they deserve debate in this Assembly. Masterplans are the absolute key to successful regeneration and the north

of the town is a prime candidate for comprehensive master planning. Piecemeal thinking will fail. Indeed, much of the poor planning in Jersey in recent decades is directly attributable to the lack of proper master planning. Much has been made of the petition requesting a town park, but we must remember that the petition also requested underground parking. The authors of the petition clearly knew that the success was dependent on providing a solution to parking and the masterplan seeks to respond to this in the best way possible. Let us at least have the chance of debating the masterplan. This is not a flight of fancy, it will cause no delay whatsoever to the commencement of the town park. It is a masterplan developed by one of Europe's leading architectural and master planning practices, combined with one of our best local architectural firms. I urge Members to give the masterplan a chance and allow its orderly debate in June. I urge Members to support the amendment.

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

I did not want to interrupt the Minister but he did say that the plan would offer over 400 parking spaces. He did not appear to subtract from that the spaces lost when Minden Place comes down.

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

Are you able to clarify that point?

**Senator F.E. Cohen:**

I have clearly detailed the car parking benefits. They included the reduction in space from when Minden Place is demolished and its removal to the Ann Court underground car park site.

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

Well, what a day we have had, as yesterday. Quite frankly, a more blatant attempt to mislead the House than I have heard hitherto in my 8 years in this House. It started magnificently with the Chief Minister stating baldly and very boldly that car parking was in the original proposition when, of course, it was not. We have had 2 repeats from my Constable of what was proposed back in 1997. I do not propose to repeat it again. But let everybody in this House remember that the proposition passed in 1997 was not about parking, it was about a park across the whole of this site, and that is the reality despite what the Chief Minister was attempting to steer us yesterday. Two threads have been coming forward, (1) we are told about this masterplan, (2) what I call the Millennium Town Park Implementation Group, or M.T.P.I.G. for shorthand. Indeed, it looks as if we accept this amendment today it will indeed have been an empty pig, with no content. The Town Park Implementation Group, set up by the Chief Minister, was there to assess the implementation, deliver the implementation of the millennium park, at last after 13 years. It was highly efficient, highly efficient. We assessed very quickly what was needed and we got very clear information from the officers attached to T.T.S. who said very clearly and very plainly: "If you want a flat park with remediation on the whole of this site, you can have it for the money available, the £10 million covers it. We have assessed it, the remediation costs around £3 million, we can design and deliver your park and we can do it in a fairly short timescale. We could make a start, certainly with planning, this summer. We can make a start on the remediation in October. You can have your park spring, that is early summer 2011." That is what we were asked to do. But we explored it a bit further, and this was in the space of 3 or 4 meetings tops, we did not waste time. So what happens if we want underground parking? If we start digging into the park? Sharp intake of breath all round. That will cost delay because you will need a H.I.A. (Health Impact Assessment) and a new environmental impact assessment. As soon as you start digging the costs rise. What is proposed here? Digging 200 spaces below ground at one end of this park. That is expensive. It may also cause delay to commencement because we are not certain how far you can go down before you start doing environmental damage. The costs are not quantifiable. But the officers there said: "Do not do it. We know ... but we will do the hot spots, the remediation, flat park, you can have it soon as soon as soon." We are told that what is proposed today by delaying for 6 weeks this

discussion, effectively, is that we will not delay by one day the start of the remediation work. I question that because I am not sure that we have assessed remediation with digging down for 200 car parking spaces. That has not been done. An estimate then gets put in the pot of how much that might mean extra, but the hard work has not been done. What we can guarantee is if will go ahead with this building on the site is that we might not delay the beginning of the project, we will certainly delay the end of the project. When have you seen 80 flats go up with underground car parking and all that is involved, in a marsh that is polluted, in short order, in Jersey? It does not happen. We will certainly delay the final creation of the Millennium Town Park, we will have half a park and then what? Then what? "Oh, we hit a snag in digging out. We did not know that was there. We are into the clay." Dangers all over the place. But, no, we cannot make the decision, we are told, today to go ahead with a flat park at the cost of £10 million already in the pot, start today, finish as soon as we can. Why? Because of the bugbear that has been driving this issue, holding back this issue, for the past 13 years. Oh, it is the issue of parking. We must provide underground parking in this particular place. At what cost? If you wanted to build the most expensive parking and risky parking in the entire world, you could not pick a better site. **[Approbation]** It is a marsh, there is a dolmen at the bottom of it, it sank for God's sake. There is a dolmen at the bottom of it. You could not start out to find a more expensive place to build car parking underground. Estimated, top end, £50,000 per space. Imagine that. From 20 spaces to 200 spaces under the town park and the experts say: "Oh, and Ann Court is possibly even worse." 400 places under that, work it out. Why is this expensive? Because that is £30 million. £30 million is the cost in building underground car parking, much of which will go to residents because we are building new residences there, putting more residences in there. Some of which will be to replace Minden car park for shoppers. So net gain? Not that great, not that great. That is the problem that has always been present. Let us just look for a minute, and it is similar to what Deputy Martin was saying earlier, let us just look for a minute with some numbers in P.206 of 1997, way back there, Planning and Environment Committee: "Car parking and contamination issues were examined. On parking, the P. and E. (Planning and Environment) Committee of the day believe there were at least 800 spaces needed. On contamination, both sites will need remediation work. These costs have been included in all the options." Let us have a look: "Options varied from £26 million to £40 million. Option 5(a) was preferred: one level of underground parking on Talman, 2 levels of underground parking on Gas Place, one level of parking above ground on Gas Place, a public open space on both sites, total cost back in 1997, just inflate it, £22.5 million." That is what happened then. No wonder that died a death. In paragraph 11 of that P. and R. (Policy and Resources) Committee report, it said: "Should the cost of an underground car park be considered such that it cannot be afforded by car park users (£12 million out of the car park fund) or by taxpayers, and the decision is taken not to proceed with its construction, the cost of providing a park, excluding the cost of land purchase would include the removal of contaminated land and its replacement." The common theme, you need, you must, we as a government must decontaminate whatever happens, but as soon as we go underground those costs steeply. It is exactly the same as what is being proposed today. We are told by the Minister for Planning and Environment that he is perfectly willing to amend the masterplan in the meantime. I say to him, well, please regard this debate today as the first amendment and we can vote for it today or we can vote for it in 6 weeks' time. I was struck yesterday by Deputy Green in making his speech he said: "Make no doubt about it, we will have our town park, we will have a level town park, a big green space across the whole of the area. We will have it. If not today or tomorrow, then at some time in the future. We will not go away, we will have it." I thought: "Was this hubris? Was this just before the fall?" I thought: "No, that is the reality. That is the commitment that we have to this park and the population have to this park." Make no mistake about it, we will have this park and he is absolutely right.

[11:30]

I talked earlier about the misleading nature of the debate we have had. One of those issues is, as has been pointed out, revolve around Minden Place. Minden Place car park. It says in the North of Town Masterplan, as amended, as developed in point 30: "Concern was expressed over the development of buildings on the Talman site at the western corners of Gas Place and the impact this would have on the site of the park." Nonetheless, they decided to put a building there: "The loss of parking at Minden Place which would be a problem for the elderly and infirm." Nonetheless, given that the issue is we have not got enough parking, as soon as we green up this space, Minden Place, despite those reservations for the elderly and the infirm getting into town, it goes. It becomes yet another little green space to make up the overall number. We are providing you, in total, more green space. What a joke that is. In terms of amending the plan, the Minister, himself, started having a play with his pretty pictures, yesterday. He said: "Do not tell any anybody I have done that, but how about this?" If Members turn to their drawings and highlights [Aside] and I will just find the right page, and on page 7 of the overall big scale, as I describe it; that 4 storey massive building, which is social housing on the end; 5 storey, I think, once you have the car parking under it, 5 storey, 4 storey, whatever. I can count one, 2, 3; I make it 4 storeys; underground social housing, yes. As I described it the other day, it looks like half an H-block and the Minister had a play with his picture thing and he said: "How about this then?" What he had taken, he had taken off the 2 wings, so it was now just a monolith block on the end and said: "There, is that better?" Well, we can see endless variance on that. If I could do the playing with the machine, I would take the whole lot out altogether and say: "How about that? Look at that vista, straight through, opening up the potential for the area, right down to the gasometer; as eventually being all park." So, now a substantial ... but the Minister says: "Oh no, we can get access through to this possible green space through this building." "Oh, yes, hang on, is it not sheltered social housing? Are we going to have people traipsing through a doorway to the other green space?" I do not think so. As Deputy Martin pointed out, if you go on to any social housing estate nowadays and, I know there is plenty in my district, perhaps many of you have not visited one for some time elsewhere. The first thing you notice, as you drive into any of those estates "NO BALL GAMES" by order of the Housing ... I do not know if it still says committee. Roughly says by order of the Minister for Housing, nowadays they only have new signs. But big letters: "NO BALL GAMES", just picture that in there. Social housing, down there, and the kids get the balls out, it is not going to happen; it is not going to happen. That is a disaster, an incident waiting to happen. Turn the page perhaps to page 9, how convenient, there is what appears to be a grey monolith, half an H-block, as I put it, shielded by trees. I say take the grey out of that and leave the green; that could be trees. That could be the vista that you go to and not that grey monolith of social housing. Why social housing on this site? Because in the original plan that was supposed to be private housing. Well, very clever trick that, is it not? Let us show up town Deputies as being against social housing. They dare not argue that one. Well, I am arguing it. I want a park first. That is what we need. Returning to the so called masterplan; and while we are at it, let us just examine the word "masterplan". We often hear the word "masterplan", the Minister for Planning and Environment thinks it is his job to produce masterplans; that is his job to produce masterplans. We seem to have heard the word "masterplan" before. Surely, down at the Waterfront, and how well that masterplan is working. All on song there; we have a wasteland down there. The masterplan failed. Why did it fail? Because of the other issue around masterplans, masterplans have a brief to, as they say, and I winced when I heard it yesterday, but I will read it to you and you can wince. Those sorts of projects have got to wash their face; i.e. they have to cover their costs, minimum States input, maximum private input; that is the way they work; they have got to wash their face. So, why have we got development of flats on Ann Court? As Deputy Martin pointed out, this is the driver on which the whole thing works. That private development means that you start to be able to afford the £30 million you have to invest, or are likely to invest, putting in those parking spaces underground in the worst site in the world to put underground parking on. So, what happens is, and I draw Members attention to the bottom, the back page, page 18, of the North of Town Masterplan, which is supposed to be holding ... putting everything on hold in order we can debate it and look at those values. Development value obtained,

let us take the midpoints: £70 million: gross development costs, £92 million; gross profit or loss £21 million. But that is made up by the £12 million from the car park trading fund and the £10 million from the ring binder debate. So, we end up with a project that has washed its face and makes a little £127,000, a little excess, contingency fund to cover the fact that you find worse pollution than you thought down at that end. It washes its face, will it deliver, when will it deliver? I do not know. But I would take a look at the Waterfront and say: “When does that ... where is the developer? Where is the design?” Talk about what does the Constable want? What sort of park, was being questioned. What sort of building? Who is designing it? Who is building it? Where is the bid? I do not see it. Look out. Not delaying the start of this project but certainly delaying the end. It may never arrive. Just like the Waterfront. Finally, and we have the fudge around, we are supposed to debate this North of Town Masterplan and if we accept this amendment today we will be back here doing exactly the same debate, debating this particular issue in 6 weeks’ time. Is that an efficient way to behave? I do not think so. It says, at point 16, the masterplan changes and it is going to change again. It is interesting to note that despite considerable publicity against development on the town park site, the overall results of the consultation were more or less equal between those opposing development and those supporting it. Several comments were of the “Get on with it” variety. Half and half, we are told, and we are still being told half and half. Well, Deputy Wimberley, in his usual way, has done some research on that. One would imagine that we could trust our departments and trust our officers to actually produce honest figures, rather than dishonest ones if we have material brought to the States. **[Interruption]** I think will continue.

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

I did not hear the comment. I was looking at the quorum which is bouncing along the edge.

**Deputy G.P. Southern:**

On the edge, okay. Well I will try not to leave the room then. On a consultation process, 50/50, that half way through I had to point out to the Minister that in the options that were being considered all that was shown was a site with building on it. There was not a box to say: “Do you want building on it or do you want it clear?” There was no picture on the consultation that showed the whole park without a building. Now, if I had given that to the Statistics Department and said: “What do you think of this consultation question?” they would have laughed, or cried. “Who designed this?” they would have said. This is obviously leading. Half way through the consultation, pointed this out to the Minister and he amended it with the end result, this 50/50. What does it mean? Before we gave the option of no building, and after we gave the option of no building and what we got was 41 per cent beforehand not wanting building, and after, when we gave them the option, 61 per cent, wanting no building. That is still, in this text, 50/50, about half and half, because we do not scrap the results which were skewed, because they were bad questions, we just meld them in so it is 41/61, so it is 50/50. But then we look at the data, Deputy Wimberley does, looks at the data and reanalyses, finds dozens of mistakes where people have said strongly against when they are strongly in favour. Dozens of mistakes, ends up taking the whole of the work done, we end up with 31 per cent agree with building on the site, 55 per cent disagree with building on the site. Yet, we are presented with: “Oh well, it is roughly 50/50, it was not a big survey anyway, but it is still indicative.” That is just straightforwardly misleading. Point 19, in the document and we will come back to this in 6 weeks if you do not decide today. It says: “However, some development is retained on the eastern edge of the town park site for the following purposes.” It lists them carefully, 6 bullet points there: “To regenerate the area.” No, the park regenerates the area. The building does not regenerate the area. But: “Particularly, the residential community which helps the Island’s housing needs.” In (d) in a general point, help the housing needs, yes by putting some more residences in the most crowded part of town. “To repair the townscape providing an attractive, appropriate scale building for that part of town.” Four storeys, 4 big storeys, in an H-Block, no. Where is the sunlight going? “To provide people policing to ensure safe community environments at all of the time through natural surveillance of the park.” Well, we

have already heard 101 windows already surveying the park and as things go on, people will turn those houses to face the park, because that is what they will do. Now: “To help revitalise that part of the town providing a community focal point, where people can meet and relax.” What does that have to do a piece of social housing, nothing; that is a function of the park? That is misleading. “To generate economic benefits, employment and activity through increased property values, cafes, restaurants, open area events.” Do not forget this is reasons for building a social residential unit on the end. “To generate economic benefits, open area events” no, that is an argument for the park, not for the building. It is straightforwardly misleading. That is not advantage of building there; it is the advantage of the park; that is what it will do. Again: “To provide a financial return which helps pay for the park and the underground car parking.” Oh no, but this is the social housing, not the private housing, oops that little button must have been kept in from the previous argument when we had private housing here and that was the function, but that private housing has now moved to Ann Court. There is the financial driver that makes it possible to start talking about this fantasy of putting 600 underground car parking spaces in this particular area.

[11:45]

Finally, before I dismiss this altogether, because I might do it in 6 weeks’ time. We are told, we are given this line that says: “We are creating more green space than you ask for: town park, 6 vergées; Belmont Gardens 0.3 vergées.” Again, a tiny little space, who owns it? Do you hear: “Oh, the Parish”, so here is the masterplan, Parish, and it rents it out to market traders for their parking. Okay, the masterplan says: “Do not do that, do something else, Parish. Cannot tell you to do it but let us do that”, so that is a bit of parking for the traders that goes again, more white vans. Ann Court, again, we do own that, private developments, that is the main driver, 1.36 vergées of open space, surrounded by private developments, how much access are you going to get to that? Very little. Site of Minden Place car park - back to Minden Place, again - despite being warned that would probably end up being a mistake, elderly and disabled getting into town, instead of which we will scrap that, despite the car parking problem. We have 0.14 vergées of space there. I do not advise you to look at how that space boxes out. It is a nightmare picture. Then, facing the old fire station, currently a car park, 0.22 vergées; a car park owned by the Parish, not the States. So, again, here is a masterplan that has just been cobbled together to meet some of the needs to pretend that they are providing what is wanted when it is not wanted and misleadingly presented in order to present the argument that we had 2 threads going through, the town park steering group, the implementation group, which designed, came up ... did its business in very short order, and came up with the recommendation on the advice of its officers, has clearly talked and discussed about the solutions, flat park with remediation, £10 million over the whole site and parking investigated. Trip around, where can we provide public parking spaces in this area, plenty of them, some of which are owned by the Parish, many of which are owned by the States, but are already rented out to private parking? Make those ... turn those into public parking and you do not have that parking space problem. You do not have to go underground in the most expensive site in the world. If you take out that building, requiring some of the parking spaces, you do not damage ... We are told every amendment, every amendment will cost you more, absolutely, not true. You take out the Ann Court development, the private one, yes, that will cost you, but if you take out the social housing, there is not a cost there. It means you have to do less car parking underground, which is the expensive bit that you are paying for. I urge Members to reject this amendment.

### **1.1.13 Deputy M. Tadier of St. Brelade:**

I am also reluctant to speak because there are so many Members who probably know a lot more about this and who have also spoken more eloquently. Nonetheless, I think it is such an important issue that I do say a few words. I have been lucky to have grown up in Les Quennevais where the family house opens on to a lovely communal and large piece of land which is the Les Quennevais sport fields, around which you have the cycle path and now which you also have a very nice cycle



path which is extending towards St. Peter. In the other direction, the cycle track which can go right the way into town. I feel very fortunate to have been party to that and I think this is really what it is about. The benefit of having a large open space which is not hampered by housing but where you can sit, relax, you can play sports, you can interact with other people, which is probably not currently the case at the Gas Park car park; at the moment, it is certainly not the case. So, I think it is really what we are looking at and I know the benefits of having grown up there and I want something similar for future generations for those who are not so fortunate to have it in town. I want to challenge some of the comments of the Deputy of St. Ouen, the Minister for Education, Sport and Culture, who seems to dismiss the fact that it is not that bad if we are going to build a little of bit of housing around there because it only represents one-seventh of the land. Again, trying to underplay the significance of this because what we are doing, even if it is just one-seventh of the area which will go towards housing; that is a seventh less which is going to be used for a park area. But it is also a seventh more which is going to be introducing extra cars, extra housing into an already crowded and already over populated and polluted area. I would ask certain Members who perhaps live on the peripheries of that area, whether they really want to see an increase in housing. Do they really want to see the increase in traffic that will be implied by that, because I know that area certainly around St. Saviour, Wellington Road, but all that town area is already crowded and the last thing I suggest we would need there is yet again more houses, be they social housing or private housing. I do not think this is about underground parking at all. I think the last speaker summed up some of the huge problems that we would face in excavating that highly polluted site. I would also question whether we need to knock down Minden Place. It has been mentioned already. It seems a perfect location. I would not have thought that it was passed its expiry date by any means. I do not know if it is at all viable to look at increasing the capacity by building another floor or 2, that may not be possible at all but I think that certainly should be maintained. It is in a perfect location. We do not need to be knocking down buildings for the sake of it and then just to waste taxpayers' money, again just to build car parks in other areas. We have all been to London, I imagine, and if we have not we have certainly been to other cities, and really these kinds of parks which are uninhibited by housing or other constructs on the area really do provide a valuable green lung. I am sure many of us have been to St. James Park or to Hyde Park. I do not think the Minister for Planning and Environment or the Minister for Education, Sport and Culture would suggest that they should start building housing, social or otherwise, around Hyde Park or around St. James Park. The point of these places is that you can really go ... when you are in town, in a big city, you can go there and can forget where you are and it is like you are not necessarily any more in the rat race, you can just forget about your problems for a few minutes and escape. This is really what it is about. The artist's impression, which was alluded to on page 7, looks very nice. It would certainly look better without the housing. I wonder if the artist's impression will also include the parents shouting at kids to get off the land: "We do not like you playing with your ball here, we would like you to leave." These are certainly things which the artist's impression does not capture but that will be the reality of it. Again, we find ourselves in a position where certain Members may be saying this is a town versus country issue. I do not think it is quite at that point yet. It has been pointed out that while the park will have the most impact for those in town, and that is quite right because they are the ones who need to benefit from this open space, it is a facility and is an asset which can be used by the whole Island. But I would suggest that it is the Members who support the amendment, and if Members do support the amendment, it is they who will be making it into a town and country issue, not the other way round. I believe that we have a historic opportunity at the moment. We do not need to procrastinate. I would add further to Deputy Southern's comments - and also to challenge the comments of Senator Le Marquand when he said that the remediation will take the same time, whatever happens - because the remediation depends on the decision about what is going to be put on the site. The remediation will not be the same if it is just an open space. If there are going to be houses on there then there are different implications and I believe that T.T.S. officers and officers from Planning told the implementation group that for remediation to be cost effective it has to be done all in one go. You

cannot just start one part and then move on to the other later when you have decided what you need to do. That it not cost effective, you need to have an overall plan for the site. The building of the town park will be delayed initially and it will be delayed later on, as well, if we then decide to put housing on there. I think the comments yesterday from the Constable of St. Mary have, quite obviously, been shown as the red herrings they are. Of course, you can have toilet facilities, of course you can have kiosks in a park because we are being asked, in part B, to agree to a Millennium Town Park to extend over both sites. Kiosks, toilet facilities, water fountains, ponds, ducks, chairs, these are all part of a park and this is what you would expect. So certainly that, in itself, is not a reason to vote against. I have also taken on board the points from the Solicitor General that the parking, or other development, as is necessary to facilitate the park is not necessarily an issue here; those things can be looked at afterwards. So, I would say, we have an historic opportunity here. Again, I will emphasise that we do not have to procrastinate. Today we can come out with a firm decision. We can say we want a park. Social housing is an issue in Jersey, there are certainly other sites for it to be built. This has been going on long enough and I would add, secondly, that it is not in contradiction to the masterplan. This is simply affirming the will of the people and simply giving it a strong message from the Assembly to the Minister for Planning and Environment that we do want a masterplan but central to that, there has to be a town park, and a big town park, without building around it and then the masterplan can go on from there. It should not be the other way around. It is ultimately the people who need to ... and they have expressed their voice in thousands and we should be voicing their opinion here and saying: "No, enough is enough, we need a green lung in St. Helier", and so I ask Members to reject the amendment and let us simply get on with this for once.

#### **1.1.14 Senator S.C. Ferguson:**

Deputy Southern has mentioned environmental problems. I suspect that you will not dig very far before you hit the water table. I mean they do not call it Springfield for nothing. Deputy Southern has also made mention of threads. Well, the trouble with pulling at threads is that the whole thing can fall apart. I do, sometimes, wonder if the Connétable, and he can no doubt reply to this in his response on the main proposition, but I do sometimes wonder if he does not like motor vehicles littering the streets. In this case he is concentrating on the one area, the town park. Well, now, I know young families in St. Helier, in the built up areas, who have been defeated by his residential parking scheme. You know, this resulted as poor communication by the Parish Hall, in fact, and it has left them reliant on public spaces. They are taxpayers and they deserve consideration too. We have the problem around the market where the reduction of parking spaces near the market has caused problems for the traders. Deputy Southern mentioned the parking in Belmont Square, or Belmont Place, which is reserved for the market traders. I was walking past there last night and it is full of, obviously, market vehicles, so where are they going to go when that parking is taken away. If we gentrify the area what happens to the cost of housing in the area. Cars are important, but what about the people? We will need some extra social housing. In New York the old brown stone houses in Harlem, which have for years been, you know, numerous families in one house, they are being renovated and the area is becoming gentrified. The result is that both house and rental prices have risen and those who live there have been displaced. So, what provisions are being made for the people who will no longer be able to afford housing in the area of town surrounding the park? As I say, the concept of social housing is not so farfetched.

[12:00]

We do need to cater for people movements as well as cars. We need the holistic debate. Taking all such points into account, as well as the financial considerations which - at this point in time and with our budget problems, and who knows what else - must be considered when we should not just be concentrating on one feature. We must look holistically. I shall be supporting the amendment.

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

I am going to be brief. There have been some passionate contributions. The Constable of St. Helier, clearly, has given up in this part of the debate but he is, I think, to be congratulated on holding the Council of Ministers feet to the fire, together with St. Helier Deputies, to deliver the town park. I think that this amendment is really about whether or not we want a properly constructed, thought through debate on the North of Town Masterplan. I have a confession, I was originally the individual, I think, who came up with moving the car parking from the town park to sticking it on Ann Court. I came up with that idea because of the then costing of the scale of the underground car parking on Ann Court and I wanted to, unlike some people have suggested, see the town park happen and that was my solution. I fully accept that that was not the right solution, in its entirety. It was not exactly, I would say in my defence, a new Pier Road car park stuck at the end of Minden Place - that is how it was characterised - but I understand that that is not acceptable. What I have seen in the masterplan debate is a dramatic improvement of everybody's ideas and the Minister for Planning and Environment was kind enough to say that there had been some good work done in the past in areas such as York Street and Broad Street and Bath Street. Well, I would say, that the Island community and St. Helier have seen nothing yet in terms of urban regeneration if we can deliver the prize of some aspects of the North of Town Masterplan. But I think the North of Town Master Plan needs a proper debate. I think it needs, and will benefit, from some amendments, I hope. I think the plans for the new Ann Court site are potentially terrific, but there are issues about whether or not that square in the middle could be accessible. Maybe some improvements can be made. I am not even sure that I agree with the North of Town Masterplan in the exact scale of, or even the location of, some of the developments. I will also say that I think that there are some improvements and I know that the Minister for Planning and Environment is considering, because I have seen an image, some different formulation of development on the town park. We need to have that proper debate. We need to have a proper debate on the North of Town Masterplan, which sets out all of the options, all of the trade offs and, from a financial point of view, what the costing of that is. I do not think we should be making a decision and, yes, I do think it is setting aside all of the good work that has been done on the North of Town Master Plan in this debate. I am looking forward to that North of Town Masterplan debate, before I get very tongue-tied. I am looking forward to it and I am looking forward to having amendments on it so that they can honestly be debated with the full financial implications. The Council of Ministers has struggled in what to do with this proposition. We came forward, I hope, with the most acceptable proposition to demonstrate our commitment as we go, I hope, forward to accepting the amended proposition to delivering not only the North of Town, but delivering the town park debate. That is what this is really about. I hope Members will accept the Council of Ministers' amendment and then go forward and send a clear message that we are going to deliver the Millennium Town Park and have a good debate on the North of Town Masterplan debate on time, on 22nd June.

### **1.1.16 Deputy T.A. Vallois of St. Saviour:**

I will be brief. I just found this debate really difficult because, although understanding where the Constable and the St. Helier Deputies are coming from, as somebody that has lived in the area all their lives and seen not only the environmental problems, the social problems and everything that goes with it, the thing I find difficult is that nobody has mentioned how having this town park, whether with or without buildings on it, will impact on the traffic in the surrounding areas. As a representative of St. Saviour District 2, I stood on the election platform with regards to the educational traffic that goes through there on a daily basis and it is horrendous. Standing here today, I find it very difficult to say that I agree with either with the Constable of St. Helier or even with the Council of Ministers with regards to the North of Town Masterplan purely because I know ... because I asked in the presentation the other day, whether any consideration had been given to the traffic in the surrounding area and I was advised that it was not. So, at the moment, I am in a very, very difficult position and I cannot vote for or against this because I can see both

sides and nobody has answered the most important ... to the residents of my district with regards to the traffic. So, until somebody can do that, I cannot look at it either way.

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

Yes, very much to follow on from Deputy Vallois. I have sat through, I think, the whole debate and it has been going one way or the other but, I think, at the end of the day, it probably will end up with the amendment succeeding. I am like Deputy Vallois that there are certain parts of the masterplan I do agree with. I can see the value of it and as the Connétable of St. Lawrence mentioned earlier about having the evidence. I am one of those people who like to have all the evidence before me before I make a decision. But I am not sure whether I have got a lot of evidence before me or whether I have a lot of red herrings in front of me, and that is the difficulty I have with this. It is unfortunate we are having this debate today before we have had the opportunity of seeing what the masterplan really exists of, because we do not know. All we have got is basically a very ... £100,000, it always annoys me how much money that we can always find for plans and architects' fees and yet when we look for money for something much more useful, I think, it is not there. But, really, when I look at this masterplan, and I ask Members to look at page 7 what I am looking at, it just seems as if ... you know, we have gone over the top. We have no trees, no grass, nothing and then suddenly all over the place we have trees and grass, why? I can understand why Belmont Road has to go. Why have trees there? Ann Court, I can understand there. But what I do not like about this is the very thing which the Connétable of St. Helier is all about, is having this block at the end. It looks like a prison block. Now, I was hoping what we were going to do is we were going to have a flat area of park, which is what the Constable of St. Helier is wanting. But, again, I also want to ensure that there is parking for those people who live and work there and also, importantly, for those people who leave there during the course of the day to allow their parking spaces to be taken over by the people from other parts of the Island, St. Martin, Trinity and that, because they value that land just as much and it has to be part of a masterplan. I am left in the position really saying that - almost like the Connétable of St. Ouen said - you know, I am going to vote for the amendment but when we come to propose the masterplan I am going to vote very much against a lot of that. This is the difficulty that I have got and I know it may well disappoint the St. Helier contingent, but I feel the best thing to do really is to go with the amendment and come up with amendments for the masterplan when we have it so we have then have ... we can then make a proper decision on the car park and we are only looking for a matter of 6 weeks. We have been waiting 13 years to get something. So, as much as I know I may well disappoint the Connétable of St. Helier, all we are doing really is we are deferring a decision because I am sure that we can come back ... I am sure the Constable will come back with a proposition because I do not want a break a promise without having seen where I am going. But I really feel that we can have a much better idea of it when we get it all together, then we can reject or support, whatever we want. I am going to support the amendment, albeit holding my nose.

**1.1.18 Deputy K.C. Lewis of St. Saviour:**

Since the Waterfront and Esplanade were redeveloped, I feel that the North of Town has been sadly neglected. People living in, say, Stopford Road, for instance. If this goes ahead as a flat park, I just feel that a walk to Pier Road in all weathers is too far to go, in a sense 10-15 minutes late at night is not really on. So, we do need parking relatively nearby. Regarding the North of Town Masterplan as such, I feel that if we took £100,000 into the car park, as it is at the moment, and set fire to it we would be quite rightly chastised by the people of Jersey but that is exactly what we are doing if we reject this out of hand. Like my fellow St. Saviour Deputy, Deputy Vallois, I have been called many times to Wellington Road because the school traffic there is absolutely horrendous. I would like to maybe bring amendments to that for the North of Town Masterplan to include that area, to alleviate the horrendous traffic there. In fairness to the Constable of St. Helier, I would like to say that he does have a few aces up his sleeve where the Parish owns parts of Belmont Road and, indeed, the Nelson Street Old Fire Station and car park. So, there are some negotiating rights there.

But what I would say to Members is vote for the amendment, put the North of Town Masterplan on the table in 6 weeks' time and if you do not like it, reject it. If you do not like it, bring amendments. Let us get this right once and for all.

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

I am conscious that 30 Members have now spoken so does any other Member have anything new to add? I call on the Chief Minister to reply.

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

Clearly, this is a debate in which emotions have run quite high and views, in many cases, have become quite polarised. That is perhaps disappointing, but not entirely surprising. So in summing up today I do not really want to go over each Member's contribution but rather to pick out various themes which, I think, have been echoed and voiced by several speakers in one way or another. The first point that was raised by people like Deputy Southern, the Deputy of St. Mary and others, was that underground parking did not form part of the proposition, P.190 of 1997. I accept that they are quite correct in that the proposition did not refer to that. Nonetheless, the petition which accompanied that proposition makes it quite clear, as has already been said, that there is substantial public support for a public town park with underground car park and that, as I say, was the message I received at the Liberation tea party earlier this week. So, I think, it is perhaps a bit rich to say we had 16,000 people who signed a petition but maybe did not know what they were signing. They signed a petition which said that they wanted to see underground car parking. The second point that was raised was the one that we could not deliver the revised scheme in the timescale. That was raised by the Constable, by Deputy Hilton, by the Deputy of St. Mary and several others. I would point out that the remediation works is the same process whether it is for a flat park or a park with buildings and the contaminants would be removed in each case ...

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

You must admit that is misleading. The costs are different.

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

I have not finished the sentence yet. The work would take longer and it would need to go more deeply but the process is still the same. The point is we are only talking here about a car park going one storey below ground. We are not talking about the original situation of a significant below ground car park. This is a one storey below ground. But that, again, is a matter for costing. What it does not do - and I emphasise it does not do - is to delay the delivery of the park. I accept that the buildings on that site would not be completed by the end of 2011 unless we had a tremendously efficient building operator who could do all that lot in a few weeks. What I said, and I made my words perfectly clear, was that the park, whether it be a flat park over the whole site or the park of six-sevenths of the site, the park itself could be delivered, and should be delivered, by the end of next year. I remain of that view, even if the work on the remaining seventh does take longer.

[12:15]

That need not interfere, and must not interfere, with the town park which needs to be delivered without further delay. There was then also the question of the underground parking being more expensive than a multi storey car park. Deputy De Sousa, Deputy Southern, many others, made that point and, yes, I agree it will be more expensive than a surface level car park or a multi storey car park. I think 2 points are worth making here. Is that a price worth paying and can it be afforded? What has inhibited the previous decision was that we could not afford the underground car park within the context of P.190, because we could not afford it. The only way you can build underground parking is within the context of an overall town masterplan. So, the fact is that there are additional costs to underground parking, they have been built into the prices, there is a significant contingency put in, to recognise the uncertainty but it can, and must be, funded within

that masterplan document. There was then a question raised by Deputy Le Claire, Deputy Green and others as to why we were putting housing on this site, surely it could be met elsewhere in the area. Yes, indeed it could but we keep saying: "Not on this site, not on Ann Court, not here, not there, not anywhere else." Ultimately, there are various ways of delivering this and what we will have in 6 weeks' time is the opportunity to debate the various options, I hope. Many people have said we need a large park, that 6 vergées is too small, 7 vergées is the size we need. It may well be that 70 vergées is the size we need. I believe that 6 vergées is quite a large size and if you add to that the additional spaces elsewhere in the town, as the Minister for Planning and Environment says, this idea of pocket parks is beneficial to the town area and to the people as a whole. Whether St. Helier has enough housing or not is a matter for debate. Every Parish says at some stage they have enough housing. The fact is, socially, we have a social responsibility to provide housing. We have a responsibility to provide open space and we have a responsibility to provide housing and we cannot just take one in isolation. I believe that people need somewhere to live. I think it was Deputy Hilton who mentioned the fact that several people in town were living 2 in one room, and if we do not build more social housing they will continue to live 2 in one room. So, is it not better that we try to improve that situation for those people living in those circumstances? I believe it is. One of the notes I made here is the masterplan seeks to achieve a higher quality of life. Others have said that parking can be provided elsewhere or by the private sector. I think Deputy Rondel made that ... the Deputy of St. John made that point. You could put housing in remote areas but, as Deputy Lewis has said, you do not want to go down to Pier Road if you are living in St. Marks Road. I point out that all the sites that have been suggested are just wish lists, which have not been through any traffic impact assessments, have not been through any planning approach, or any financial appraisal. There are small, they are inefficient and I would point out, that those owned by companies such as Le Masurier or Ann Street Brewery that have been talking to Planning, accept the fact that the alternative uses for those sites are far higher than their value for parking. They are not going to provide parking, if they can provide offices or housing or retail or anything else as a profit to them. So, they may well provide housing, but at a cost to the taxpayer. So, I think, looking on the more positive side, many Members have said that they want to see the wider picture and I think that is something which this amendment seeks to achieve. In fact, that is the only thing that this amendment seeks to achieve; the ability to have a chance to look at the wider picture. Deputy Southern says we will come back in 6 weeks' time and have the same debate all over again but we should not be, because today's debate, today's amendment, the wording for that is very simple. It is simply that we do not make a decision on the town park until we have debated the town masterplan. We are not debating the masterplan today; we are debating whether or not we should discuss it in 6 weeks' time. The outcome of that debate will enable us to decide where we go in respect of Gas Place, where we go, also, in respect of the north of St. Helier. I am grateful to Deputy Duhamel, who started off by explaining how the definition of town park arose. That is the definition of an above ground car park with underground car parking ... sorry, above ground green park with underground car parking. Because the Deputy appreciates, as did Cave, as does the Minister for Planning and Environment, as do I, and, I hope, all Members, the need for a vision. I congratulate the Minister for Planning and Environment for developing that vision and implementing discussion, debate and delivery of the masterplan. As he says that masterplan is still capable of discussion, variation and, I hope, input by every States Member. It is a matter which affects all of us, not just the town Deputies, that North of St. Helier Masterplan is something which we should all play a part in, because the amenities of St. Helier belong to all Islanders, not just the town residents. They may have a special interest in it but we should be thinking of this as an Island concept. I think that the town park would have been delivered sooner if the 2 issues which remain a constant thorn could have been resolved. Those 2 issues - I would say the 2 inhibitors - are the matters of parking and the matters of funding. I think they are both interlinked. The masterplan gives the opportunity to consider them together and consider the whole area together and I think it is important that we do not just look at the Gas Place site in isolation. But I conclude, as I began, by saying that this amendment is not about the detail of what should go where, or whether the

masterplan is perfect or capable of improvement. It is about having the opportunity to see the whole picture and then to decide what is best. That is why I think the Deputy of St. Martin, or Deputy Vallois, if they have concerns about the masterplan not being perfect ... I think many people, so does the Constable of St. Ouen, have concerns that the masterplan is not perfect but we have to have, I think, the opportunity to consider it in 6 weeks' time and that is why I propose and maintain this amendment.

**The Deputy of St. Mary:**

Can I raise a point of order? The Chief Minister said that remediation would be the same for a flat park or a park with building on it and yet his reply to my question, written reply to my question on Friday, which he sent on Wednesday, states: "Remediation for the eastern end of Gas Place will, of course, need to know whether a building is being constructed on site, or otherwise, as the planning application and method statements for the remediation work will need to accommodate this." So, would the Chief Minister care to withdraw that misleading statement.

**The Deputy Bailiff:**

That is not a point of order.

**The Deputy of St. Mary:**

The code of conduct for Members in terms of maintaining the integrity of this House ...

**The Deputy Bailiff:**

That is not a point of order in relation to this debate.

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

May I raise a point of order? I wonder if I might appeal to you under Standing Order 103, please, to speak briefly again as I feel that my contribution was misinterpreted.

**The Deputy Bailiff:**

No, I am sorry, we have had the debate and we are now proceeding to the vote. Is the appel called for?

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

Does that mean that my right under Standing Order has been determined by you as not applicable? That you have ruled under that Standing Order, have you.

**The Deputy Bailiff:**

You are not entitled to another speech. What are you referring to?

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

With your leave, I am, under Standing Order 103, part (d).

**The Deputy Bailiff:**

What is the point you wish to clarify?

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

I believe the Chief Minister in his summing up misinterpreted what I said in my speech, and I would like to clarify what it was that I meant.

**The Deputy Bailiff:**

Well, what was it that he said that you said where he was wrong?

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

He said, and these are not the exact words, but his interpretation of what I have said was that I was not willing to have buildings in other places. My speech did point out that in the 220,000 square metres made available within this North of Town Master Plan, only the loss of 7,600 of that would be in this area and there would still be 212,000 square metres of development in the other areas of the plan.

**The Deputy Bailiff:**

Well, Deputy, you have now clarified it. Although, I have to say every Member would have another opportunity of repeating what they said if that were the basis on which the Standing Order were drafted.

**Deputy G.P. Southern:**

May I seek a point of clarification from the Minister, in his summing up speech. He said ...

**The Deputy Bailiff:**

Of what he said?

**Deputy G.P. Southern:**

Of what he said. He said that a substantial contingency funding was in place. Since that is one of the critical areas for developing this particular site, would he say how much that substantial fund is?

**The Deputy Bailiff:**

That is a proper point for clarification.

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

Yes, indeed. The information I have does not relate specifically to that, it says in my briefing notes that the fees, finance costs and contingency total £26 million. I call £26 million in the context of this development, substantial.

**The Deputy Bailiff:**

Very well. The appel is called for on the amendment of the Council of Ministers to substitute for the words in their entirety: “No part of the site shall be developed for housing and other uses”, the words: “Subject to the outcome of the debate on the North of Town Masterplan.” Those Members who are not in their seats should kindly return to their seats. I ask the Greffier to open the voting. All Members have had the opportunity of voting. I will ask the Greffier to close the voting. I can announce that the amendment has been carried: 28 votes in favour and 18 against.

| <b>POUR: 28</b>           | <b>CONTRE: 18</b>           | <b>ABSTAIN: 0</b> |
|---------------------------|-----------------------------|-------------------|
| Senator T.A. Le Sueur     | Senator A. Breckon          |                   |
| Senator P.F. Routier      | Connétable of St. Helier    |                   |
| Senator P.F.C. Ozouf      | Connétable of St. John      |                   |
| Senator T.J. Le Main      | Deputy R.G. Le Hérisier (S) |                   |
| Senator B.E. Shenton      | Deputy J.A. Martin (H)      |                   |
| Senator F.E. Cohen        | Deputy G.P. Southern (H)    |                   |
| Senator J.L. Perchard     | Deputy of Grouville         |                   |
| Senator S.C. Ferguson     | Deputy J.A. Hilton (H)      |                   |
| Senator A.J.D. Maclean    | Deputy P.V.F. Le Claire (H) |                   |
| Senator B.I. Le Marquand  | Deputy S. Pitman (H)        |                   |
| Connétable of St. Ouen    | Deputy of St. John          |                   |
| Connétable of Trinity     | Deputy M. Tadier (B)        |                   |
| Connétable of Grouville   | Deputy of St. Mary          |                   |
| Connétable of St. Brelade | Deputy T.M. Pitman (H)      |                   |



|                             |                          |  |  |
|-----------------------------|--------------------------|--|--|
| Connétable of St. Clement   | Deputy M.R. Higgins (H)  |  |  |
| Connétable of St. Lawrence  | Deputy A.K.F. Green (H)  |  |  |
| Connétable of St. Mary      | Deputy D.J. De Sousa (H) |  |  |
| Deputy R.C. Duhamel (S)     | Deputy J.M. Maçon (S)    |  |  |
| Deputy of St. Martin        |                          |  |  |
| Deputy of St. Ouen          |                          |  |  |
| Deputy of St. Peter         |                          |  |  |
| Deputy J.A.N. Le Fondré (L) |                          |  |  |
| Deputy of Trinity           |                          |  |  |
| Deputy K.C. Lewis (S)       |                          |  |  |
| Deputy I.J. Gorst (C)       |                          |  |  |
| Deputy A.E. Jeune (B)       |                          |  |  |
| Deputy E.J. Noel (L)        |                          |  |  |
| Deputy T.A. Vallois (S)     |                          |  |  |

## **1.2 Millennium Town Park: commencement in 2010 (P.42/2010) - as amended**

### **The Deputy Bailiff:**

Very well, we now return to the proposition as amended. Does any Member wish to speak? No Member wishes to speak.

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

I do not know.

### **The Deputy Bailiff:**

Do you know whether you wish to speak? **[Laughter]**

#### **1.2.1 The Deputy of St. Mary:**

It is basically, a cry of pain. We have witnessed sabotage, basically. Well, of what this House voted for and what the people have said they want. We have had apparent concessions from the Minister for Planning and Environment, which I am very grateful, that the future discussions are more open than we thought they were or certainly that I thought they were. I came in, today, I cycled in, because it was so gorgeous I thought: "Well, I will skip the bus and I will ride the whole way." I survived despite my dodgy bronchs at the moment. I do not regret it, it was absolutely glorious. I rode in passed the trees all bursting and the birds singing and passed St. Aubin which was looking wonderful and then I come in here and it is different. I do have to ask, what is the matter? The Chief Minister seems to have, and other Ministers, a new found fixation with underground car parking. We have heard that the Minister for Housing said in an area that car parking is so vital. We have heard the Minister for Housing say that we need car parking in the immediate area and we have heard the Minister for Planning and Environment say ... sorry, that is something else.

[12:30]

So they are all saying we need parking, we need parking; we do not disagree. The people who want this park across the whole site want parking for the residents and for the shoppers but, of course, commuting is another matter. But it is extraordinary that we are being sold, as Deputy Southern pointed out, car parking in the most expensive way possible and also this matter of the fact that it was not ever in the original proposition although the Chief Minister has finally accepted that that is true. The other point, apart from the underground car parking, is the no delay. No delay, there will be no delay, there will be no delay, and it is just untrue. The Minister for Housing said as quickly as possible, the Minister for Home Affairs: "We can start on the remediation immediately." It is not true, because, until we have decided, and we could have decided not to have housing, but we

have not, so we are now faced with another 6 weeks, and another if we still do not know what form the remediation will take, so we cannot start, and we cannot start until we have decided. The Chief Minister might be forgiven for ignoring the new policies of his own Ministers, with regard to energy, transport, planning and health, but I find it less easy to accept that the Assistant Minister for the Environment has now become ... I do not know. He seems to have changed his mind quite a bit. He did have a good track record on environmental issues. Where is the positive forward-looking approach which he favoured just 2 years ago? In the report which he chaired into urban regeneration, Deputy Duhamel, as he then was, said, quite specifically, in that report that in order to reduce car traffic and car congestion it would be a good idea to promote car clubs. We know from evidence elsewhere, and I will not quote the figures because it is quite difficult to find them on my desk, but, as we know from evidence in Bremen, where they have been having car clubs for years, that there are substantial reductions ...

**Senator B.E. Shenton:**

Could the Chair explain the relevance of this speech to the proposition?

**The Deputy Bailiff:**

The Chair is certainly not going to be trying to attempt that, no. **[Laughter]** Would the Deputy please continue.

**The Deputy of St. Mary:**

Yes, indeed. Apart from car clubs, which are a known way of reducing the number of car parking spaces required, which is what we are all after, and it is far cheaper than digging holes in toxic ground, there is also the matter of ‘hoppa’ buses. I notice the Minister for Planning and Environment talking in a way that quite openly pointed out that you could bring shoppers and commuters into town without them driving into town, and that again is part of the solution which we should be looking for. So the question that is on my mind is, why are we in this place where we have to now be faced with a weird hybrid that does not make any sense? The Chief Minister is desperately inventing a new policy whereby you have less traffic in town and more car parks, and the Assistant Minister is forgetting all he ever knew about the environment, and I just have to wonder why we are in this place? What is the matter with the Council of Ministers? That is the question, and I do wonder whether the proposer of this proposal will now withdraw it, because as far as I can see, it is a mess now. We have accepted the amendment, which has wrecked the proposition, and it is a very sad, miserable day for this Assembly, and it is even more miserable because I have spoken **[Laughter]** and I maintain the word “sabotage” because I really do not understand. **[Approbation]** I just do not get it. There is a history of 7 different votes or major statements by P. and R., or in strategic plans, of support for the town park across the whole site, and the underground park has just become a shibboleth. It is just, we have got to have it, because people 13 years ago, in the preamble, saw the words “underground parking”, and some elderly people at a tea party told the Chief Minister that they still believed in underground parking, even though it will be the most expensive in the world. So I just do not understand where the Council of Ministers are coming from. Why can people in town not have a full-sized park, for the reasons that we all know so well?

**1.2.2 Senator J.L. Perchard:**

I am inspired to speak because I am genuinely disappointed by the last speaker’s take on where we are at. We have an opportunity now to debate the North of Town Masterplan, warts and all, buildings and all, car parking and all, probably in 6 to 8 weeks’ time. That is exciting, because there are some good things in this masterplan and it is not a miserable day at all. This is a very positive day. I have not heard one person in this Chamber speak against the town park. Everybody wants to deliver the town park, everybody wants to deliver a high quality town park, and everybody wants to pay for it, and make it joined-up. So it is not miserable at all, this is a very exciting day, it

is a very positive statement from this House, and we will deliver, not only a fine town park, but the north of town will be improved as a consequence of some joined-up thinking. I urge Members to be positive about this rather than negative, as the Deputy of St. Mary just was then.

### **1.2.3 Deputy M. Tadier:**

I have to agree with Senator Perchard for once. I think that the Deputy of St. Mary is quite understandably disappointed, and I think it is important at this stage to acknowledge the very large amount of hard work that the Constable of St. Helier, but the whole of the town Deputies and other supporters of the town park [**Approbation**] have been doing for the last month, even extending back to last year. I would permit myself to speak French to the Connétables very briefly, and to the other Members, *'ne baissez pas les bras'*, keep your arms high because the fight is not over yet. I would appeal to those Members ... I can see why Members have done it, there is a certain amount of logic, that they want to keep the options open and revisit this, but to those Members ... and there were certain Members who said yesterday they are minded to vote against and to reject any kind of housing on the town park site. I would ask them, hopefully, they will keep on doing that, unless they are provided with a very good case - and certainly I would need to be presented with a very good case - to want any kind of housing on that site. That is the point. I can understand why people want to see this thing holistically. I think it is sad, in one sense, I think they were not mutually exclusive, we could have had an extensive town park without housing and then had the masterplan built around that, but I can understand the decision that has been made. So the fight is not over; the hard work, I would suggest, has not necessarily been in vain, and I would still like to see this proposition come back, an amendment to the North of Town Masterplan, to say that we want that area purely as a park and nothing else, and for the case to be made again then, it is a shame we could not have done it today, but there is no need to be despondent. But I would like other Members to prove the Deputy of St. Mary wrong, that this has not been a wrecking motion, this has not been sabotage, and we will approach the new debate in 6 weeks time, or whenever it is, with an open mind, and that we can do what is right for the people of St. Helier and the people of Jersey.

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

In a similar vein, I urge everyone concerned with the delivery of the town park as an open space over all this area, to gird their loins and be positive, because, as Deputy Green said, we will win. Sooner or later, we will win. The next opportunity to win this battle occurs in June, in 6 weeks' time. While we are doing that, I must make reference to what we have in front of us, which is that the evidence that we have about the contingency fund, in case the remediation turns out to be worse than it was, is nowhere near that £23 million figure, which was 3 factors all rolled into one. £26 million for fees, something else, and contingency fund, of which the contingency fund, we are told, is £1 million; £1 million contingency is very, very thin indeed. While I am talking about thin, I will just briefly refer to it, it comes from Ove Arup's 4 volume study of the ground conditions under the town park area, and it suggests that there are 2 to 3 metres of toxic material followed, going down, by an impermeable clay layer, which keeps that pollution and toxic out of the water base, and then the gravely aquifer after that; 2 to 3 metres, 2 to 3 metres. We are told, we have been told for the last decade: "As soon as you start digging there, prices go up, and it is a risky operation." We are going to dig out a car park for 200 spaces, and put in footings and whatever else is needed to maintain a 4 storey building across that site. I am just dreading the news, like occurred on the incinerator site, where workmen pierced an impermeable membrane. When the bulldozers come in on the town park site in order to remediate and start digging in, in order to provide this underground parking, and the footings and the base for that massive building, those bulldozers taking down: "Oops, that is the last of the clay bit, oh dear, it is a bit thin here, is it not? What do you think about this, Jock?" [**Laughter**] Come on, wait for it, wait for it, and watch that million pound contingency go down the pan, watch the entire development come to a halt, and watch a new waterfront in the middle of town, where nothing is happening. Because that is the risk

we take if we do not clear the building, all building, off that site, and I hope in 6 weeks' time we do that. In fact, I suggest, I believe, the Constable for St. Helier has already drafted an amendment, and is working on it now, to take that building off. I suggest to the Minister for Planning and Environment that he pre-empts that by taking it off himself. He had his little play yesterday, **[Approbation]** he took away the wings; take away the whole block and come back with that.

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

Deputy Southern has just raised a question about the contingency fund and suggested I might have inadvertently misled the House. I hope not, because I said that the information I had was that there was £26 million for 3 items: fees, contingency and something else. I do not know the breakdown of that, Deputy Southern said it is £1 million for contingency and I am prepared to believe him. In addition, of course, there is the specific contingency to be put in for the underground car parking spaces of £50,000 per site, which is nearly double what one normally provides for that; to build in a significant contingency for that as well. We are talking about one floor of excavation, we are not comparing with the Ove Arup situation of going down significantly. But certainly, there was no intention to mislead, I merely gave an overall figure.

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

Can I say to all Members, I understand that feelings have run high over the amendment that has just been debated, but we are now debating the amended proposition, and it really would be helpful if Members could speak just generally to the amended proposition.

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

The amended proposition now means that we will go forward into the next few weeks and debate holistically, in a joined-up sense, what States Members believe is the better way, which will be the North of Town Masterplan in its entirety; joined-up government, as Deputy Duhamel points out; joined-up thinking; provision of social housing; underground parking, and a much, much better way of doing it. I am just staggered really, because it was not so long ago, in fact, in September of 2009, I brought a proposition to the House to consider the use of the Gas Place site, which makes up the North of Town Masterplan, and apart from that getting kicked into touch, not only were the arguments I was making about that being a site for a building for an indoor community use, for the town park, and the potential for a car park, but also, ironically, at the same time - and this is what was going on, when we talk about unjoined-up thinking - Salisbury Crescent, across the road from Grand Marché was being bulldozed through by the Minister for Housing for social rented housing.

[12:45]

We have now come a long way since September 2009 ... **[Aside]** Well done to them. I am sorry to say, Deputy Tadier and the rest of the States Members who believe that there is going to be a change and that we are going to have an open park, are sadly mistaken. This is old Jersey politics. We lost by 10 votes, we are not going to make up those 10 votes. Many of the Members, I believe quite strongly, will - if I predict right, and I do often get this right - turn around in the future debate, as this proposition is amended, and tell us: "Well, I was going to, as I said then, but now, because we need the money in order to have the park and social rented housing." I then am reminded that, at the same time I brought my proposition, Deputy Martin's proposition ... while I was holding all of my things back, while the Minister for Housing put in Salisbury Crescent, Deputy Martin, the Assistant Minister for Health and Social Services, more on board with the Executive than I am, although similarly passionate about these issues, was arguing for social rented housing on Ann Court. Now we see within the North of Town Masterplan, conveniently, they have switched many, many more thousand square feet of private households identified for Ann Court, and a pittance provided for social rented housing now, in the anticipated debate to occur for social rented housing. So I am sorry, it is just, in my view, a proposition now that I cannot support. Going ahead, as we are, I think it is disingenuous for us to say that this is going to be done. It will be very interesting to

see how the Constable of St. Mary - having learned from the Solicitor General, now we can have our children's toilets - will vote in the future. But even if the Constables who said they would stick with us when it comes back, and I do believe the Constable for St. Ouen, and I do believe the Constable for St. Mary will, and I certainly hope they do, there still are not enough numbers to stop what is inevitably going to be 220,000 square metres of development within town. That is identified in appendix 4 of the North of Town Masterplan, on the back page. So the Constable of St. Clement, and the removal of accommodation and residences in the Parish of St. Clement and other areas within Jersey, and the Constables that bring forward their issues in isolation in the new Island plan, are going to face a tougher time of it, along with any Minister for Planning and Environment or any so-called environment Minister that brings these things forward in the future.

### **LUNCHEON ADJOURNMENT PROPOSED**

**Deputy J.M. Maçon of St. Saviour:**

May I propose the adjournment?

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

Just one moment. May I say, I am not sure if other Members are expecting to speak this afternoon, but this proposition is not a debate about the North of Town Masterplan, and it would seem to me to be important that we do not try and pre-empt that debate, which is going to take place in 6 weeks' time or so. I would like to give notice to Members that P.61/2010, the Housing Development Fund Cost-benefit Analysis, was lodged by Senator Breckon yesterday, it should have been announced to Members yesterday, but I make that good just now. The adjournment is proposed and the appel has been called for. Members not in their seats, kindly return to their seats. I will ask the Greffier to open the voting. I will ask the Greffier to close the voting. I can announce that the proposal for the adjournment has been carried, 37 votes in favour, 7 against, and accordingly, the States stands adjourned until 2.15 p.m.

| <b>POUR: 37</b>             | <b>CONTRE: 7</b>             | <b>ABSTAIN: 0</b> |
|-----------------------------|------------------------------|-------------------|
| Senator T.A. Le Sueur       | Senator P.F. Routier         |                   |
| Senator B.E. Shenton        | Senator P.F.C. Ozouf         |                   |
| Senator F.E. Cohen          | Senator T.J. Le Main         |                   |
| Senator J.L. Perchard       | Connétable of St. Ouen       |                   |
| Senator A. Breckon          | Connétable of Grouville      |                   |
| Senator S.C. Ferguson       | Deputy of St. Martin         |                   |
| Senator A.J.D. Maclean      | Deputy R.G. Le Hérissier (S) |                   |
| Senator B.I. Le Marquand    |                              |                   |
| Connétable of Trinity       |                              |                   |
| Connétable of St. Brelade   |                              |                   |
| Connétable of St. John      |                              |                   |
| Connétable of St. Lawrence  |                              |                   |
| Connétable of St. Mary      |                              |                   |
| Deputy R.C. Duhamel (S)     |                              |                   |
| Deputy J.A. Martin (H)      |                              |                   |
| Deputy G.P. Southern (H)    |                              |                   |
| Deputy of St. Ouen          |                              |                   |
| Deputy of Grouville         |                              |                   |
| 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. Pitman (H)     |  |  |  |
| Deputy K.C. Lewis (S)    |  |  |  |
| Deputy I.J. Gorst (C)    |  |  |  |
| Deputy of St. John       |  |  |  |
| Deputy M. Tadier (B)     |  |  |  |
| Deputy A.E. Jeune (B)    |  |  |  |
| Deputy of St. Mary       |  |  |  |
| Deputy T.M. Pitman (H)   |  |  |  |
| 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)    |  |  |  |

## LUNCHEON ADJOURNMENT

[14:15]

### **PUBLIC BUSINESS - resumption**

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

The Assembly is not yet quorate. Would Members in the adjoining rooms please return to the Assembly.

#### **The Roll was called**

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

I do not have a note of any other person wishing to speak. May I have some order please? Does any other Member wish to speak on the proposition as amended?

#### **1.2.7 Senator B.E. Shenton:**

I will speak. I did not speak in the main debate, simply because, I think, most of what needed to be said had already been said, and certainly it was a debate where a number of speakers did just repeat what previous speakers had already said. The reason I voted for the amendment was because I think it makes the proposition far better, going forward. As Chairman of the P.A.C. (Public Accounts Committee), it is very important that we do have in front of us all the financials and all the information that we need to make a decision, because, at the end of the day, regardless of the emotion, we are in fact, spending taxpayers' money and we have to make sure that it is well spent, and spent properly. I am all in favour for a town park, and I am not - as Deputy Le Claire seemed to indicate - just because I voted for the amendment, it does not mean that I particularly want houses on it, or an underground car park, or anything else. I would just like everything set out in a businesslike way, where we can see what we are doing, look at the costings of it, and make sure that we deliver what is right. So I think, even with the amendment, we have achieved something. I do not think there is the need to have despair. We seem to have, within this Chamber, 53 Members who do want a town park. I commend the Constable of St. Helier for his commitment to bring this forward. There are a lot of people out there with concerns about parking, none more so than the town traders themselves that are struggling in this difficult economic environment, and I would hope, although I have delayed it by speaking, that we can go to the vote fairly quickly, and leave today, knowing that we have achieved something, and not failed to achieve anything, as some Members may have thought.

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

I call on the Connétable of St. Helier to reply.

**1.2.8 The Connétable of St. Helier:**

Thank you. Before I do so, could I just ask for your ruling on whether I can ask for the proposition to be put in separate sections, because I would like part (b) to be taken separately, if that is possible: to have a vote on parts (a) and (c)?

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

Yes, I think that is possible.

**The Connétable of St. Helier:**

I considered not summing up if this proposition was amended, because Standing Orders allows for a Member not to sum up on their proposition, indeed, not to maintain it, although the States' approval is needed for it to be withdrawn once amended. The reason for that was because I believe that the amendment has effectively negated the proposition, or at least part (b) of it, and that is why I will be voting against part (b), because I do not believe the creation of the town park should be subject to the outcome of the masterplan debate. [Approbation]

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

I am sorry Connétable, I am going to have to stop you. I am reflecting on the proposition in 3 parts, and bearing in mind that the Assembly has had a very full debate on the entire proposition, including part B, I do not think it is satisfactorily separated, because there could be a very unsatisfactory position, having adopted an amendment. I beg your pardon.

**The Connétable of St. Helier:**

Thank you. In that case, I shall be voting against it. The reason for this - as I said at the outset, but it was some time ago, so I will repeat it - is that I do not believe that the masterplan, which is, as I said, a Johnny come lately as far as the town park is concerned, should take precedence over (1) the Island Plan, that reserves the entire town park site as important open space. It is, frankly, quite shocking that the Council of Ministers and many others have endorsed today a proposal which runs against the States' approved Island Plan, and I wonder what people out there who want to get things done that are against the Island Plan make of the States appearing to sanction a development which is not in the Island Plan. Perhaps someone will be able to advise me about that later. (2) Secondly, the masterplan runs against previous decisions of the States which, for all of Deputy Duhamel's sophistry - a new word I picked up from a former States Member - and his efforts yesterday to embark on a second career as a legal expert; for all of his efforts, the Council of Ministers' amendment is tantamount to a rescindment and we had advice from the Solicitor General which made it quite clear that there was nothing in the petition, and indeed nothing in my proposition, which prevented either a toilet, or indeed underground parking from being created under the park. (3) Thirdly, and maybe this is the one that is the most difficult for me to swallow on a personal basis, Senator Cohen has given an undertaking not to ride roughshod over any Constable's views in respect of rezoning, but apparently this only applies to the Constables of the rural rides - and to St. Clement too - but not, at any rate, to the Constable of St. Helier. But it was ever thus; in the days when the States managed with only 36 Members, the Constable of St. Helier was regularly outvoted by the predominantly rural membership of the States. It does appear, indeed, that my efforts to accept the concentration of housing in town, in order to protect the green fields of the Island, for the enjoyment of town dwellers as well as everyone else, is not working at all, as town dwellers - we now learn from the Constable of Trinity - are not welcome on his Parish-owned fields. Parade Gardens and People's Park belong to the people of St. Helier and are maintained wholly at their cost. Shall we bar other parishioners from our parks? A further remark which has come out of the debate is that the last masterplan, which Members may have forgotten about, was also a Hopkins Masterplan, it was about the Esplanade Quarter. Perhaps Members have already forgotten about that. But that masterplan, one of the key elements of that masterplan, was that the freeing up of

outworn office accommodation would allow for much of this part of St. Helier to provide residential accommodation. However, if I had refused to sum up the proposition, it would have perhaps suggested I did not accept the decision of the House, and of course I do. It would have deprived me of the opportunity to respond to some of the comments which have been made during the debate, and also, importantly, it would have deprived me of a chance to say a big thank you to all Members who supported P.42 unamended, those Members not subject to amnesia in respect of States decisions, especially the St. Helier Deputies who spoke, in several cases, very movingly and very cogently against the amendment. If nothing else, the debate has, I think, engendered unprecedented teamwork among the elected representatives of St. Helier, and of course, I have had the application form from the J.D.A. (Jersey Democratic Alliance), which I am now considering. **[Laughter]** I am grateful to Deputy Hilton, in a very moving speech, for pointing out that the Chief Minister is in cloud cuckoo land, in proposing no effect on the timescale by adopting the amendment, and she reminded us that the Hopkins Masterplan was supposed to be done and dusted in 3 months, i.e. last autumn. Senator Le Main referred to the Island Plan. Can I remind him that the site is marked as important open space already. As I say, I think it is amazing that his ministerial colleagues appear to have forgotten about the Island Plan when it comes to the town park. The Deputy of St. Ouen made a comment that came up from several other Members: "It is our town", he said. "It is the capital. These are facilities we can all enjoy." I thought: "And pay for." I trust the Deputy will support me when I come back with a proposition that the States should pay rates and thereby contribute to the cost of maintaining facilities in the capital. Like the Chief Minister, the Minister for Education, Sport and Culture extolled the importance of car parking. He supports the sustainable transport policy, but ... It is quite a common view. It was interesting that another Minister told us that the sustainable transport policy, in its new form, has now been put back to September. I thought we were going to have it before the summer recess; that seems to get later and later. But I say to the Minister for Education, Sport and Culture, the authors of those wishes that I read out yesterday, they will not be listening in their classrooms to this debate, in Rouge Bouillon, in Springfield, in Grand Vaux, in First Tower primary schools. They will not be listening, they will be working.

[14:30]

But I think it is a poor show that the Minister for Education, Sport and Culture has not supported P.42 unamended because, certainly, the message that will go out for 6 weeks until we debate the masterplan is that he does not support all those wishes that the students who come under his charge have expressed recently. He also said that the States, of course, pay for lots of open space in St. Helier, and indeed they do, and indeed they should, because it is used by the whole Island. But I would remind him that over the past 6 years, parishioners of St. Helier have paid for, or assisted in, improvements on many, many streets which are the responsibility of the States of Jersey, and I will not go through the list, but there are a lot of them. How much did the ratepayers of St. Ouen contribute to those same improvements, I wonder? This matter is, of course, not just about St. Helier, it is the Island's millennium project. We all, in this Assembly, represent the Island as well as our home patch. The Millennium Town Park is not, as one misguided speaker put it "St. Helier's pet project." Nor is it "narrow and dogmatic" as the Chief Minister stated, for me to seek to hold the States to its promises, in respect of providing the full amount of open space originally offered to the people of Jersey. I did not, as some speakers argued, try to remove the underground parking from the project. If they had been listening to my first speech, or indeed, to the excellent speech of Deputy Green, they would have realised that to create underground parking at 10 times the cost of above ground parking does not make any sense at all. I made no attempt, as Deputy Duhamel suggested I did: "To cunningly remove the parking element from the petition." I read out that part of the document, indeed, I stumbled over the word "prefatory." But the latest advice of his officers at Planning and of T.T.S. is to seek once more to go around the houses, and try to find a parking solution underground is not going to take this project anywhere at all. What has this debate



achieved? I am encouraged that several speakers, including colleagues on the Constables' bench, have indicated that they want the masterplan to be debated, and hence supported the amendment, but these Members are not convinced there should be housing on the town park. Deputy Le Claire's excellent speech drew our attention to just how much more residential development the masterplan is planning to cram into St. Helier, and it will be just that, town cramming, if the town park does not consist of every square inch of green that was originally promised to the people. I did not believe that it represented good use of the States' time to have this debate twice, but just in case Members wanted to have it twice, I lodged with the Greffe an amendment to the masterplan that seeks to remove housing from the town park: a masterplan that is framed by trees rather than houses; no restriction on public toilets, just the space that our primary school children have requested, complete with the fishing lake, the really big slide, and nut dispensers for speaking birds. Madam, I do not know whether I can maintain the proposition as amended, because if we cannot vote on the parts separately, I intend to vote against it.

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

I think that the Assembly does need to vote on the proposition in its entirety. As it stands, the States have debated at length an amendment to paragraph (b), and it would make a nonsense to take that out at this point, and it would be bordering on an abuse of procedure to do that. Certainly, the park should not commence unless you know what you are going to be doing there, and paragraph (b) provides that that is subject to the debate in 6 weeks' time.

**Deputy M. Tadier:**

Can I seek direction? **[Laughter]** I think it has become clear that if we want a town park we certainly do need to go around the houses to get it. The direction I wish to seek is that the: "Subject to the outcome of the North of Town Masterplan" only applies to part (b), does it not? Therefore, it is possible, certainly theoretically, that a decision could be made in 6 weeks' time which prevents any work from commencing in 2010. So it could contradict part (a), but we would have already agreed that the Millennium Town Park work should commence in 2010, starting with the remediation, and it may not be possible to do that.

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

I think the debate on the 22nd of June will need to make sure that it complies with this decision. This decision is to agree that work to create the Millennium Town Park should commence in 2010, and that is the decision that the Minister will have to look at carefully as the debate goes on, on 22nd June. I assume that you would like an appel? I invite any Members in the immediate precincts to return to their seats, and I ask the Greffier to open the vote on paragraphs (a), (b) and (c) combined. If every Member has had an opportunity to cast their vote, I ask the Greffier to close the voting, and I can announce that there are 27 Members voting in favour and 15 Members voting against, so the proposition is carried.

| <b>POUR: 27</b>          | <b>CONTRE: 15</b>            | <b>ABSTAIN: 0</b> |
|--------------------------|------------------------------|-------------------|
| Senator T.A. Le Sueur    | Connétable of St. Helier     |                   |
| Senator P.F. Routier     | Connétable of St. John       |                   |
| Senator T.J. Le Main     | Deputy R.G. Le Hérissier (S) |                   |
| Senator B.E. Shenton     | Deputy J.A. Martin (H)       |                   |
| Senator F.E. Cohen       | Deputy G.P. Southern (H)     |                   |
| Senator J.L. Perchard    | Deputy J.A. Hilton (H)       |                   |
| Senator A. Breckon       | Deputy P.V.F. Le Claire (H)  |                   |
| Senator S.C. Ferguson    | Deputy S. Pitman (H)         |                   |
| Senator A.J.D. Maclean   | Deputy of St. John           |                   |
| Senator B.I. Le Marquand | Deputy A.E. Jeune (B)        |                   |
| Connétable of St. Ouen   | Deputy T.M. Pitman (H)       |                   |

|                            |  |                          |  |  |
|----------------------------|--|--------------------------|--|--|
| Connétable of Trinity      |  | Deputy M.R. Higgins (H)  |  |  |
| Connétable of Grouville    |  | Deputy A.K.F. Green (H)  |  |  |
| Connétable of St. Brelade  |  | Deputy D.J. De Sousa (H) |  |  |
| Connétable of St. Lawrence |  | Deputy J.M. Maçon (S)    |  |  |
| Connétable of St. Mary     |  |                          |  |  |
| Deputy R.C. Duhamel (S)    |  |                          |  |  |
| Deputy of St. Martin       |  |                          |  |  |
| Deputy of St. Ouen         |  |                          |  |  |
| Deputy of Grouville        |  |                          |  |  |
| Deputy of Trinity          |  |                          |  |  |
| Deputy K.C. Lewis (S)      |  |                          |  |  |
| Deputy I.J. Gorst (C)      |  |                          |  |  |
| Deputy M. Tadier (B)       |  |                          |  |  |
| Deputy of St. Mary         |  |                          |  |  |
| Deputy E.J. Noel (L)       |  |                          |  |  |
| Deputy T.A. Vallois (S)    |  |                          |  |  |

## **2. The Jersey Competition Regulatory Authority: Proposal to Grant a Postal Operator's Licence (P.44/2010)**

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

The Assembly now moves on to P.44 which is the Jersey Competition Regulatory Authority proposal to grant a postal operator's licence and I ask the Greffier to read the proposition.

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

The States are asked to decide whether they are of opinion to request the Minister for Economic Development to request the J.C.R.A. (Jersey Competition Regulatory Authority) to extend the period of consultation over the granting of postal licences to Citipost and HubEurope, so that Members may be fully informed of the consequences of such actions by the J.C.R.A.

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

Thank you. I sought a written answer from the Minister for Economic Development earlier in the week, and I thought at first glance, when I saw his answer, I thought: "Oh good, that has worked, and we have got assurances that are fairly watertight." But then I read the actual letter he sent and the response, and I still, before I withdraw my proposition, and I will be, I think, inevitably withdrawing, I want to seek some assurances from him which are not present in his current answer. For example: "To that end, I was requested to officially ask the J.C.R.A. to extend the current consultation period, otherwise it is set to finish this Friday, 30th April." The Minister did that, and he got an answer that said: "No." They then noted: "The J.C.R.A. will consider these responses as required by the Postal Services (Jersey) Law 2004 before moving to final notice. Final notice would also be subject to a 28 day period, during which any appeals regarding the final notice could be made." Yes, there is a delay built in, but no extension. Secondly, he said: "Ideally [that is an interesting word] therefore, the efficiency review will be completed and made public before move to final notices." In answer to that, he got an answer: "We will continue to work with Jersey Post on the efficiency review. We see the ongoing efficiency review of Jersey Post as a separate issue from the grant of additional postal licences. However, should we need to draw on that work in preparing the final notices, we will be able to do so." So, an answer that says: "We could, but we are not guaranteeing it", so no guarantee, no certainty, that we will examine the efficiency review before we proceed to final notices. So it could well be that we will not know about the efficiency review, still, and especially its impact on the universal service obligation, and that is the critical bit. He also said, of the J.C.R.A.: "They have given me assurance that the outcome of the efficiency review would be considered as part of the award, if relevant to do so." Again, that proviso says: "We might, we might not." Finally, in his answer, he says: "However, I think that Deputy Southern

is right to draw attention to the need for a wider debate around the U.S.O. (universal service obligation) and what Jersey Post can realistically be expected to provide, given the costs involved. To that end, I have instructed my department to liaise, as a matter of some urgency, with the J.C.R.A. and Jersey Post to produce and publish a public consultation on the U.S.O. in order that Islanders and the membership of this Assembly have a chance to comment on the level of service they wish to have, while recognising what costs come with it.” So he is endeavouring to do that, but there is no guarantee in there that the licences will not be done and dusted before this Island and this Chamber has opportunity to seriously consider what the impact of granting of additional licences might be on the U.S.O. What I am seeking from the Minister today is some sort of assurance that those licences will not be granted unless and until the efficiency review has been completed and published, especially its potential for impact on the U.S.O., and that wide information is circulated, and debated among the public at large, and certainly in this House, of what U.S.O. we will have going forward, and what the cost of that U.S.O. might be. In other words, we need to protect our universal service obligations, our post offices - we have already seen one on the way to being moved for efficiency purposes - and certainly on deliveries, on which all 90,000 of us rely, not just half a dozen fulfilment services.

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

Is the proposition seconded? Before we enter into debate, could I just invite the Minister for Economic Development to indicate whether he intends to accept the proposition?

**2.1.1 Senator A.J.H. Maclean:**

That is a difficult question to answer. Quite simply, the proposition seeks that I ask for an extension to the consultation period from the J.C.R.A. I have already done exactly what the proposition seeks that I should do. I think, in reality, the Deputy is asking for further assurances, outside of the proposition that the terms of the proposition, of course, have been met. I can say to the Deputy, and to Members, and he, I thought he summarised very well the exact position that we are in, at the moment, with regard to this matter, what I can say is that he is asking for guarantees in some areas which are outside of my powers. That has been demonstrated by the letter that I have written to the J.C.R.A. requesting, which of course is what I can do, and what this Assembly asked me to do, and which I did in fact do. What I cannot do in that area is direct the J.C.R.A. However, I have given a great deal of consideration to this difficult matter, and that is why, in the response to the written question to Deputy Southern, I identified the fact that my department was working on preparing a Green Paper with regard to the U.S.O., the universal service obligation, which is, as the Deputy quite rightly says, in many respects central to the issues that concern both my department and indeed, I am sure, Members. I have, as I pointed out, limited powers, but discussions will go on with the J.C.R.A. with regard to the consultation, the green paper that will be issued, and I will be looking to the J.C.R.A. to indeed, allow the consultation results to be fully considered. They have already, in their reply to my request (my letter) said that they have the ability to consider the efficiency review, although in the letter they do point out that, in their opinion, the 2 are not intrinsically linked. In other words, the issue of the licence, or additional licences, and the efficiency review. That is a matter, clearly, for them; it is not a matter that I can influence. However, the U.S.O., I do believe, is important. I do believe that is an area that I would like to see the J.C.R.A. give fair consideration to, and of course, the process would need to be completed. I am afraid I cannot give Members exact timings at this stage, because that is a matter for further discussions, both between Jersey Post and the J.C.R.A., and my department. That is all I can say at this stage.

**Deputy G.P. Southern:**

I seek further clarification from the Minister of his statement. He says in his letter to Mr. Webb, he is minded to send the Authority written guidance that the efficiency review must be completed, and

the impact assessed, before licences are awarded. This is the key question, I think. Will the Minister not just be minded, will he send that written guidance to the J.C.R.A.?

[14:45]

**Senator A.J.H. Maclean:**

The problem is that guidance and requests can indeed be made, but I am limited under the law with regard to a direction under social and environmental matters, and so my powers, as I have pointed out, are limited in this respect. I hope I have explained exactly what I am able to do; I have done what I believe I am able to do under the law. I do not believe I have any further powers beyond that.

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

We cannot just have a conversation across the Chamber.

**2.1.2 Senator S.C. Ferguson:**

I have every sympathy for the point of view which Deputy Southern is putting across, but I think he is missing the point. The real question, the elephant in the room is: is Jersey Post supplying the service which customers require? We incorporated Jersey Post in order to set it free from the dead hand of bureaucracy, and the question now is, has it moved nimbly enough to provide that service? What is the best way to provide service to the business customers, which is what the licences would supply? Service to customers means picking up packets, not sitting there and expecting them to be delivered. It means giving a fair deal to customers, including our burgeoning e-commerce industry, not treating them as a sheep to be fleeced. I do not know whether Members are aware that market traders, the ones who post boxes of flowers, they cannot hand in those boxes to the post office in the market, they have to sort them out and take them to the main office. We have heard about possible problems clearing letter boxes, and perhaps we should view this from the customer's point of view: each letter has a stamp on it, so really clearing letterboxes is clearing boxes full of revenue, revenue to Jersey Post. We hear that the social function, that of delivering letters to Hedley Le Maistre's mother in St. Ouen every day will not be possible, but as I understand it, this can be addressed by adjusting the U.S.O., and this, I think, is one of the crucial things that has to be looked at more carefully. According to one of the submissions to the J.C.R.A., and from other sources, I understand it is possible for the J.C.R.A. to charge licence-holders as a contribution to the U.S.O. There is a further wrinkle to this: apparently, according to Jersey Post, the U.S.O. costs them about £5 million annually, but according to the J.C.R.A. it costs about £100,000. This is too big a disparity, we do need to check the accounting there, because it is too big a variance. Jersey Post must also demonstrate that it understands its prime mission, and can accomplish this as efficiently and cost effectively as possible, and I do not think it is accomplished by such vagaries as "Ship 2 Me" and "Memo". Then we have got to consider that none of the post, or virtually none of the post, coming through parcel force is examined closely, and in fact, as I understand it, parcel post goods are not entered on C.A.E.S.A.R. (Customs and Excise System for Administration of Revenue). This is what I understand from my sources, but no doubt the Minister can correct me on that. Therefore, the parcels do not have labels on saying what is in them, and you cannot charge G.S.T. (Goods and Services Tax) because you do not know how much it is worth. Perhaps the Minister for Treasury and Resources and the Minister for Home Affairs would like to just have a look at that. I have no doubt that Members have seen the 3 brand new Land Rover Discoveries, and the new trailers used to collect the post from the airport, with the very, extremely expensive light bulbs. I do not think we can just accept this proposition as it stands. According to our burgeoning ecommerce industry, and we met quite a few of them at the presentation last week, Jersey Post really has not even contemplated customer friendly actions until there was a threat of competition. I think, yes, we need to look at the U.S.O., I think we need to look at the cost of the U.S.O., because how you get from £100,000 to £5 million ... I mean, I know I can spend money, but not

even like that. I really feel there is more to be done on that side, and obviously, if you can charge licence holders to pay for part of the U.S.O., I think that that part of the duties of Jersey Post about which everybody is most concerned will be dealt with.

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

I am sure that we all are extremely grateful because we do benefit from the vast amount of knowledge that Senator Ferguson brings to the Assembly on just about everything, but I wonder what that had to do with the proposition. We heard this morning from the Deputy Bailiff what is in the proposition: "To request the Minister for Economic Development to request the Jersey Competition Regulatory Authority to extend the period of consultation over the granting of postal licences to Citipost and HubEurope so that Members may be fully informed of the consequences of such action by the J.C.R.A." not by Senator Ferguson. I wonder why, after Deputy Southern had finished his speech, when requested to give us a steer from the ... in my view, you gave the Minister an opportunity to give us a very quick, easy get out of this. He stood to tell us that he cannot direct them to do anything, but the proposition is not asking him to direct them to do anything. All it is doing is requesting to him to make a request to them to extend the consultation so that we as States Members can be more fully informed. I have never seen a simpler proposition before the Assembly, unless I am really, really missing the point or I have got the wrong proposition. I will give way.

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

I thought I explained very clearly that I have done exactly what the proposition requests. I wrote to the J.C.R.A. asking them to extend the consultation period. They returned a letter to me saying that they did not believe that it was necessary and that they would not do so.

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

With the greatest respect, I do see the difference, but I do think that if the States Assembly requests the Minister to do this and he writes to them, letting them know that he has had a States decision requesting them to do this, they may reconsider their decision. If they are going to make decisions within this community that affect our community in relation to competition and monopolies et cetera with disregard to the elected Assemblies, then we need to rewrite the competition law, something that is arguably long overdue anyway.

### **2.1.4 Deputy A.K.F. Green:**

I would like to pick up on a few points. First of all, of course, the traders in the market will not be able to post their flowers because they have not got a post office, but that is beside the point. Yesterday in question time, the Minister for Treasury and Resources made a quote which I wrote down very carefully. He was talking or being questioned about Jersey Post at the time and he said, talking about Jersey Post: "It is profitable because of the substantial fulfilment business." So what we are going to do is give away the fulfilment business and make it unprofitable. **[Approbation]** It did not work in the U.K. (United Kingdom). We have seen the disasters there. To my mind, we have seen absolute disasters with telecoms. We have not got a better service. We might have a slightly cheaper one but we certainly have not got a better service. I am going to support this because I think we need to look at it properly. We need to look at it in detail and I would urge the Minister for Economic Development to remind the J.C.R.A. that they have a second part to their weapon. It is called regulation. If they are not happy with what Jersey Post do, and I do think there is some work to be done there, then let them regulate, not bankrupt.

### **2.1.5 Deputy T.M. Pitman of St. Helier:**

Very briefly, and I am sorry if my head is still full of nut dispensers but I think I am still a bit confused because, as I understand it, the Minister has not been asked to give direction as in his letter, the key issue, which he can surely give on social economic grounds is he says they are minded to send the Authority written guidance. Written guidance. That is all the Deputy is asking

him to clarify. I am sorry, but he has not answered that question. We are not talking direction. He states it here: "You can give written guidance." Can we have an explanation, a yes or no?

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

I am going to support Deputy Southern. I am also going to assist, if I can, the Minister for Economic Development in allowing him to get all the information possible so that we can make a proper informed decision. I want the right decision. Here we have a Jersey business employing over 400 people, all qualified under the employment laws, under R.U.D. (Regulation of Undertakings and Development) regulations, and I cannot support giving away any business to new companies who could employ recently-arrived employees on this Island. We have got a huge problem at the moment where there is a lot of unskilled people in the marketplace looking for work, even skilled people looking for work, and I will not be part of the R.U.D. team in assessing new businesses to give licences that will take away existing local employees' employment. I am supporting this wholeheartedly, but in doing so, I will be supporting the Minister in assisting him in making sure that we can get all the information and any delays or otherwise in that we come to a proper agreement so that we understand the true ramifications of taking away and giving competition in this area.

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

I think I will try and stick to the proposition and we have already heard, supposedly, the Minister for Economic Development asked the J.C.R.A. last time because we had a heated debate in here. He said he would go away and he would request that they have another look at this, that and the other, and you have seen the letter. They said: "No, we will not." Now, I really ask both the Minister for Economic Development and Minister for Treasury and Resources, one of them to be speaking to Jersey Post and one of them to be speaking to the J.C.R.A., and he can do that. He can direct them under, as has been pointed out, social and economical grounds. I think everyone swallowed this pill from the J.C.R.A. In the second part, it says: "We will not do this because we have already allowed 2 days over the 28. The final date for consultation was the 30th." It goes on to say: "Final notices are issued. The law will require another 28-day period to pass before any proposed regulation action takes effect to allow any party to appeal the decision." If you inspect the law "any party" is the ones who have already consulted on it. So you have got 8 and 2. Now, this is very, very different today. We have another 28 days which, by the way, there is 18 remaining because we are on 13th May now and that 28 days started on 1st May. So I am very sorry, and I do not know if the Minister has looked at the law, but he has been sold a pup. The appeal is for the people, and they say they have 8 in support and 2 against at the moment and they were awaiting on that day a reply from Jersey Post. I would not swear to it, but I presume Jersey Post was opposed. So we have 8-3. So you are going to have 3 appeals possibly if these licences go ahead. I am sorry. The Minister has not done enough, and I totally agree with Senator Le Main; we need a lot more information, but I am very concerned about this reassurance couched in a reassurance from the J.C.R.A. That means nothing because if you have not put in a consultation in the first 28 days, you cannot be a part of the appeal. I hope the Minister knows that.

#### **2.1.8 The Connétable of St. Brelade:**

Given what is understood to be the U.S.O. is really in place to satisfy the social needs of a community, would the Deputy agree that the Minister of Economic Development would be fully justified in directing the J.C.R.A. to extend the consultation period in order to properly define the U.S.O.?

[15:00]

Would he also agree that the letter from the J.C.R.A. in response to that of the Minister for Economic Development could be described as arrogant and disrespectful [**Approbation**] to not only the Assistant Minister but also the States Assembly?

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

Whereas I do agree with many of the things that have already been said, the point I would like to bring out is the devaluation of States assets. If you are taking business away from Telecom, you devalue the value of Telecom. If you take business away from the post office, you would devalue the value of the post office. That is money. Even though you cannot see it going out of our pockets, it is going out of our pockets. We have the unemployment situation arising as well. That is another hidden cost to the Island and I would suggest to the Minister for Economic Development that he has another hard look at the J.C.R.A. and sees that they take into account the effects on the community of Jersey as an entity and not just as the competition for the smaller people at the bottom of the pile. The States of Jersey, as shareholders in these companies, must have a say. At the moment, we are being laughed at.

### **2.1.10 Deputy M.R. Higgins of St. Helier:**

The Economic Affairs Scrutiny Panel has been lobbied by a number of Members, in fact, and members of the public, with great concern over the J.C.R.A.'s proposed actions and certainly since the letter has been published. I agree with what appears to be arrogance on the part of it. Now, the panel has agreed to set up a review of Jersey Post and J.C.R.A. However, it will be done expeditiously so that it does not delay things here, but it would give States Members additional information, an additional view as to the proposals. What I would say is I would hope that Members will support Deputy Southern and send the clearest signal possible to the J.C.R.A. that they should heed what States Members think and should wait until the information that has been asked for is available and the Scrutiny Panel produces its report, which I said would be done expeditiously.

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

I am slightly confused about the debate that we are having this afternoon because the debate that we are having bears little relationship to the proposition which is before us. As I understand it, we could approve this proposition. In actual fact, all we will be doing is ratifying what has already taken place in that the Minister has already made this request to the J.C.R.A. What I think we are arguing about is the fact that we do not like their response. That is for us to consider and for us to consider the role of the J.C.R.A. I think the thing which is really troubling us, if we want to use that term, or exercising our mind, is how does the consultation with regard to these licences fit in with what should be appropriate understanding of the U.S.O. obligations and the efficiency review that the Minister himself feels is appropriate, and it is the joining together of those 2 pieces of work. So we can accept this proposition. It will not help address those issues and I think that what Deputy Southern is trying to do, being a clever politician as he is, he is trying to leverage this proposition to get another step down the line to what he wishes to achieve. I think that probably most Members today would agree that it would be appropriate to consider these in the round, but this is not the proposition before us. So we are throwing ourselves, as it were, upon the mercy of the Minister and it is entirely up to him whether he wishes to stand and say yes, he is prepared to do that or not. Otherwise, we will have to wait for a separate proposition, in my opinion. Thank you.

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

Just to make it clear, if this proposition is adopted, I do not believe it is ratifying what has already been done. I believe the Minister will be asked to request again as a result of the decision. Deputy of St. Martin?

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

I was one of those who went to the presentation. It was a week or 2 ago. I am all for competition, but I was unhappy when I came away. Some questions were asked and the answers were not given. One of the questions was about 'j' cat. They said: "Oh, well, we are going to bring people in a train." I have heard that before. We know what is going to happen and it is almost certain that

some of the people they will be employing will be some of those being made redundant, no doubt employing with a lower cost again. I came away feeling, quite rightly: "These people are in business", but really it was very sharp business. I felt very uncomfortable and I certainly was aware of the proposition that Deputy Southern had lodged and I could see absolutely nothing ... that is why I thought this morning we need not spend a lot of time on it because I thought what the House would do, and I hope the House will do, is support it. So when it goes back to the Minister, he can say: "Look, we have got X number of States Members who are genuinely concerned about what is going on." That will add strength for them to consider because what I do not like about this agreement, this has already been made. If one looks at the back page, it says: "The J.C.R.A. has issued an initial notice." So, in other words, this gives them the go-ahead: "Get going, chaps. 30th April you can get almost started because nothing is going to stop it." Well, it may well be too late. I hope it is not, but what I would hope Members would do, and not spend too long this afternoon on this proposition, is give our wholehearted support to Deputy Southern so that he can then go back to the Minister and the Minister can then report to the J.C.R.A. and say: "Look, the States Members are very, very concerned about this." I hope we will not spend too much time on this proposition.

#### **2.1.13 Deputy K.C. Lewis:**

I was at the meeting last week with the new postal authorities. Also I was at the original meeting with Jersey Post and obviously they do have something to worry about. I will be supporting this proposition. I would like clarification. The Minister has said that he has sent a request to the J.C.R.A. and the J.C.R.A. has refused his request. I would like to know to whom is the J.C.R.A. answerable if not to the Minister and indeed this Assembly. [Approbation]

#### **2.1.14 Senator A.J.H. Maclean:**

I think, for clarification purposes, I am more than happy to write again to the J.C.R.A. I do that under the same terms that I did before. Clearly the consultation period has officially ended. Nevertheless, the J.C.R.A. are currently considering the matter. That period of consideration may go on for some time, but I am more than happy to write to them again as per the terms of this particular proposition. What I think I should just re-emphasise to Members, which is the most important issue, in my opinion, surrounding this particular matter, and that is the Universal Service Obligation. It is for that reason, as I have already stated, that I have issued instructions to officers of the department to prepare a Green Paper for public consultation on this important matter, and I think it is absolutely essential that the public of this Island have the opportunity to have their say on matters such as delivery dates, delivery times, post offices in regions around the Island and so on and so forth. Let us make no mistake at all that the Universal Service Obligation has a considerable cost to Jersey Post, a cost which means they cannot operate on a level playing field should competition be introduced in the future. There are opportunities for the J.C.R.A., as I believe Senator Ferguson quite rightly pointed out, that charges could be levied on a competing organisation should they be awarded a licence in the future in order to meet some of the costs of that particular Universal Service Obligation, but that is a matter for the future. What I do think is important, and I am sure that Members will agree with me on this point, is that the consultation is allowed to proceed, the consultation results are properly and correctly considered as part of the process before any final determination is made with regard to additional postal licences. Certainly that is a matter that I will be addressing with the J.C.R.A. because I think it is of vital importance to the Island that we get this important point clarified. I would just like to comment on a couple of other points that Members have raised which I think are important. Deputy Green, in particular, talked about ... and I think he was suggesting that if competition is introduced we are effectively saying goodbye to the fulfilment industry or goodbye to Jersey Post because they will lose their business. I think, if the Deputy could just reflect and Members as well, there is every likelihood that as we stand at the moment with no competition in the market, that Jersey Post fulfilment business could reduce dramatically due to natural market forces. By that, I quite simply mean that 80 per cent of the revenue of Jersey Post from fulfilment comes from just 2 companies. Should



those companies choose to relocate elsewhere, and it is not inconceivable that they would so do to areas that are considerably cheaper than what is available in Jersey, then not only would we lose significant tax revenue that we get from the fulfilment companies here in Jersey at the moment, those 2 in particular; we would lose hundreds of jobs. Hundreds of jobs. This is not an easy issue to deal with. There are risks and there are problems on both sides. We are supportive clearly of developing all sectors of the economy. We do not want to see the loss of any particular business, but this issue does need to be dealt with and handled with a great deal of caution. I would also like to just point out, and I think I have probably covered it with Senator Le Main, I understand his concerns about job losses, but I think I have just mentioned the fact that the local fulfilment companies themselves employ hundreds of local people and I do not want to see those jobs lost either. So I would hope that Members will accept what I have said. I will write again to the J.C.R.A. with regard to this particular proposition to ensure that they give further consideration, but more importantly we will proceed with the consultation, the Green Paper, the public consultation on the U.S.O., and I will be seeking confirmation from the J.C.R.A. that they will allow that process to conclude prior to the final determination on additional licences being awarded. I hope that will satisfy Members and they will appreciate that this is, I believe, a pragmatic and sensible way to proceed.

**The Deputy of St. Mary:**

Could I ask for clarification of that? I just want to be clear. The Minister, right at the end of that, was more definite than he was at the beginning, and I just want to be sure that the Green Paper consultation about the nature of the Universal Service Obligation and the reaction and the drawing up of the response to that consultation, that will be definitely before any determination of the licences, but that is not how I read the documentation so far. Just as long as that is absolutely clear, that the J.C.R.A. will be directed not to determine before the Green Paper consultation is concluded.

**Senator A.J.H. Maclean:**

The reason I am not more confident and direct about that particular point is that it is my understanding that I may well have powers of direction, as I have said to Members, under social and environmental issues. My belief is that the U.S.O. and the consultation could well fall under that particular category. If that is the case, there is an opportunity for a direction. If it is not the case, then clearly I can represent quite strongly the views, both my own views and that of Members, which I am pleased to say are uniform.

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

Like the Deputy of St. Martin, I also attended that same presentation. I was concerned when I left that we were not given copies of the presentation as is usual with most of these types of presentations. I was also concerned that I saw at that presentation former members of the shadow board and officers of the Committee for Postal Administration of the day when I served on that committee. Excuse me, Senator, I am speaking, and I do not need any comments from Senator Le Main. It seems wrong that we appoint people, either shadow board members or board members of proposed new companies and the like, that these people are there and they have a lot of confidential information at their fingertips about that particular company. Then we see a number of these people start setting up a business in competition once they have been able to glean all the information in confidence.

[15:15]

I believe that the Chief Minister and the Council of Ministers should be looking very closely at when they put in shadow boards or boards to any particular company that we own or partly own, that those people are not permitted within their contract to be able to take up or set up business against a particular company or that particular company in this case for at least 8 or 10 years after

they have relinquished that particular position. It is of concern that these types of things are happening. I looked around the room on that particular occasion and there were a number of people there that ... it made my hair stand on end, and I have not got much of it [Laughter] ... some of them commented how many millions this may be costing them by not going forward with or delaying the licensing of these companies. I know the Chief Minister is not listening because he is talking to his neighbour. So I sincerely hope when the Chief Minister and his fellow Ministers on the Council do bring people's names forward and in any agreement there will be a caveat that those people will not be allowed to partake in any similar business that they have been appointed to for at least 8 to 10 years after they have left that particular company.

**Deputy J.M. Maçon:**

Thank you, Ma'am, but the Minister made the points that I wanted to make about sorting out the Universal Service agreement before granting licences.

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

The Minister got me thinking. In fact, the answer may not lie in the soil, as Benny Hill said. It may lie with the Solicitor General. He seemed very hesitant when he said he could give a direction but it would have to be on social and environmental, not economic, environmental grounds. Could the Minister or perhaps the Solicitor General say who makes the decision as to whether the direction is a valid direction from the Minister?

**Senator A.J.H. Maclean:**

Perhaps the Solicitor General would like to give his interpretation on this matter. [Laughter]

**2.1.17 The Solicitor General:**

The relevant law is the Postal Services (Jersey) Law of 2004 which provides for the Minister to give directions in respect of social or environmental policies. The answer to your question is it is entirely a matter for the Minister.

**2.1.18 Deputy M. Tadier:**

Thank you, Madam or Sir. I think it is interchangeable nowadays, apparently. I was told on one occasion that it is okay to call the Chair a Sir, even if it is a ...

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

I also said on that occasion: "Provided you get on with it."

**Deputy M. Tadier:**

That is right. [Laughter] Is that getting on with calling you a "Sir", was that, Madam? Anyway, I wanted to congratulate Senator Le Main on what I thought was a very good speech. That was one of the speeches that certainly was worth having his microphone on for because even though we are often on different political sides, and I do not think we would disagree with that, I think Senator Le Main has understood that ultimately the introduction of competition to Jersey Post will result in the destruction of Jersey Post, ultimately, if taken to its logical conclusion, with the loss of jobs that that implies for people. The Minister is shaking his head, but of course that is the intention here. That is the neo-liberal paradigm which of course he is party to. I believe he was shroud waving earlier when he was talking about this threat to leave. Of course it is always a consideration. I would say we are certainly not at this point yet and there are good conditions in Jersey for the fulfilment industry. Certainly to me it would seem that if the bottom line is that costs are too high for these companies and if that is genuine, there needs to be discussion now between Jersey Post and the business people that they serve so that ultimately prices could come down. That would seem to be logically what would happen. Anyway, we are not really talking about this. What I want to get to is the actual wording of the proposition. I was initially baffled when I saw the proposition because it is the same wording that we have had before us only a few weeks ago when

we had that big debate as to whether it was of sufficient urgency to lift Standing Orders, I think, if I recall correctly. This is the danger of accepting undertakings from a Minister or from anyone else because it is not the same thing. The approach may have been made to the J.C.R.A. already but it has not been done with the authority of the Assembly. I think that whatever happens here, whatever other consultations are going on, talks of a Green Paper, certainly they are to be welcomed, but this needs to be done and to be done properly. So I think we should be supporting this proposition today. We should be saying we do want the Minister to go ahead and request the J.C.R.A. but this time with the full backing and the formal vote, hopefully unanimously, from Members to go ahead and to seek for the period to be extended. This is the only good way, I think, for transparent consultation to take place, and certainly facilitate that so I think there is no reason that we should today be hampering Deputy Southern in his proposition. It can be done alongside anything else that is going on at the moment and so I would urge Members to support the proposition.

#### **2.1.19 The Deputy of St. Mary:**

Two points only. One is to remark on the speed with which agencies connected with this Assembly can sometimes move, in this case to damage Jersey Post at the expense of taxpayers and the community. That is one interpretation. There is another side of the argument, as the Minister has said, about the volatility of the fulfilment industry and the fact that it might go walkies. So there is 2 sides to this argument. However, there has been no real public discussion of the universal service obligation and what it means in terms of lost post offices, what it means in terms of deliveries. That discussion he has said will take place under the new Green Paper. So that is fine, we have gone very fast, we have gone too fast, and the brakes are now on and the Minister accepts that. That is the first point. The second point is it is quite clear what the mood of this House is and this proposition is rather weak in that only requests the Minister to do what it requests him to do. But in fact we all know what the mood here is. After that request if the J.C.R.A. send another letter like that then he gives them guidance and if they send another letter like that then he directs them as we have heard he has the right to do. I hope that that is understood and I hope that is the sense in which Members will vote for this proposition.

#### **The Solicitor General:**

Yes, can I just clarify the advice I have given. Insofar as the Minister has powers to offer guidance, he has powers to offer such guidance in respect of principles, procedures and policies and therefore he has an overarching supervisory role, it is not for him to descend into the facts of a particular case. I hope that assists.

#### **2.1.20 Deputy A.E. Jeune:**

I have to say that Senator Le Main and I are at one when it comes to the issuing of licences under the Regulation of Undertakings. I really do have strong views on that one. But having heard what I thought I heard Deputy Pitman saying, it was not what I am reading in this proposition. My understanding is that the Minister for Economic Development has spoken already with the J.C.R.A. therefore I am afraid ... I just feel that the whole thing is so clouded now that I am unable to support the proposition.

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

I thank every Member who has contributed to this debate. I did not expect the debate, I expected an assurance from the Minister withdrawing the proposition. However, having been told that it is possible to re-request and that will have some action, especially in the light of the written guidance that the Minister can give on the review that it must be completed and the impact assessed on the U.S.O. before licences are awarded and further than that, if he so wishes, on social grounds and the U.S.O. must surely be on social grounds, the proximity for the elderly and disabled of the nearest post office, the fact that you can rely on a postie coming around once a day is a social impact

undoubtedly. He can further ... that he can direct that this should happen. So I am satisfied that action will be taken that if Members support this proposition then we will be on the way towards ensuring the full ramifications are known, debated and accepted before any licences are granted. I maintain the proposition and call for the appel.

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

Very well, the appel is called for. I call Members to return to their seats and I ask the Greffier to open the vote. If all Members have had an opportunity of voting - can we have a little hush, please - I will ask the Greffier to close the vote and I can announce there are 39 votes in favour, 2 votes against and one abstention.

| <b>POUR: 39</b>              | <b>CONTRE: 2</b>      | <b>ABSTAIN: 1</b>      |
|------------------------------|-----------------------|------------------------|
| Senator T.A. Le Sueur        | Senator S.C. Ferguson | Connétable of St. Mary |
| Senator P.F. Routier         | Deputy of Trinity     |                        |
| Senator T.J. Le Main         |                       |                        |
| Senator B.E. Shenton         |                       |                        |
| Senator F.E. Cohen           |                       |                        |
| Senator J.L. Perchard        |                       |                        |
| Senator A. Breckon           |                       |                        |
| Senator A.J.D. Maclean       |                       |                        |
| Senator B.I. Le Marquand     |                       |                        |
| Connétable of Trinity        |                       |                        |
| Connétable of Grouville      |                       |                        |
| Connétable of St. Brelade    |                       |                        |
| Connétable of St. John       |                       |                        |
| Connétable of St. Saviour    |                       |                        |
| Connétable of St. Lawrence   |                       |                        |
| Deputy R.C. Duhamel (S)      |                       |                        |
| Deputy of St. Martin         |                       |                        |
| Deputy R.G. Le Hérissier (S) |                       |                        |
| Deputy J.A. Martin (H)       |                       |                        |
| Deputy G.P. Southern (H)     |                       |                        |
| Deputy of St. Ouen           |                       |                        |
| Deputy of Grouville          |                       |                        |
| Deputy of St. Peter          |                       |                        |
| Deputy J.A. Hilton (H)       |                       |                        |
| Deputy P.V.F. Le Claire (H)  |                       |                        |
| Deputy J.A.N. Le Fondré (L)  |                       |                        |
| Deputy S. Pitman (H)         |                       |                        |
| Deputy K.C. Lewis (S)        |                       |                        |
| Deputy I.J. Gorst (C)        |                       |                        |
| Deputy of St. John           |                       |                        |
| Deputy M. Tadier (B)         |                       |                        |
| Deputy A.E. Jeune (B)        |                       |                        |
| Deputy of St. Mary           |                       |                        |
| Deputy T.M. Pitman (H)       |                       |                        |
| Deputy E.J. Noel (L)         |                       |                        |
| Deputy T.A. Vallois (S)      |                       |                        |
| Deputy M.R. Higgins (H)      |                       |                        |
| Deputy A.K.F. Green (H)      |                       |                        |
| Deputy J.M. Maçon (S)        |                       |                        |

### **3. Jersey Child Care Trust: appointment of Chairman (P.47/2010)**

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

Now, the Assembly moves to the final matter on the Order Paper, P.47, Jersey Childcare Trust Appointment of Chairman. I will ask the Greffier to read the proposition.

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

The States are asked to decide whether they are of opinion to approve the re-appointment of Mr. Geoffrey Colin Powell, CBE as Chairman of the Jersey Child Care Trust until 31st December 2011.

#### **3.1 The Deputy of St. Ouen (Minister for Education, Sport and Culture):**

Thank you. In 1997 the States approved the creation of the Jersey Child Care Trust to co-ordinate, promote and facilitate expansion of childcare provision in the Island. The constitution requires the States to appoint an independent person as chairman of the trust and I would therefore like to propose that the position be filled by Mr. Geoffrey Colin Powell, CBE who has indicated his willingness to serve for a further 2 years. This will allow a review of arrangements for childcare support to be undertaken by my department over the next year. Mr. Geoffrey Colin Powell, CBE has brought exemplary leadership, integrity and vitality to the position and has demonstrated a high degree of professional commitment to the aims and objectives of the trust. I would therefore like to recommend Mr. Geoffrey Colin Powell's re-appointment as the Chairman of the Jersey Childcare Trust for a further period of 2 years.

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

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

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

We all know it has been said of Mr. Powell that he has had more comebacks than Frank Sinatra and I think he has done an excellent job and will continue to do so. But I wonder if the speaker could confirm that the succession planning for the trust is well under way.

##### **3.1.2 Deputy J.M. Maçon:**

I just want to comment on the wonderful work that the Child Care Trust are doing and that I will fully support this proposition.

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

I think it is important to thank Mr. Powell for his commitment to this cause and also to point out not only has he given extraordinary service to the Island but he continues to give it 100 per cent and I think that it is a time particularly now for us to say that we not only support him in his appointment but also the things that he is saying that we need to do when he is in post, because there is no point in promoting him into the post and then ignoring what he says once he is there. I am sorry to say that too many Members will push the pour button for his position and will turn a deaf ear to what he has to say once he is there. So I would urge Members to not only support his appointment but to take heed of what he is saying and support what he is saying.

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

Regarding the comments made by Deputy Le Hérissier, it is absolutely the point that we want to ensure proper succession planning but equally the vehicle that we are using to promote future childcare is the right one.

[15:30]

That is why Mr. Powell, CBE has shown his willingness to continue for a further 2 years to allow that review to take place and, obviously, for a conclusion to be brought on this particular matter. I

thank Deputy Maçon for underlining his support to the Jersey Child Care Trust. They indeed have been doing, and continue to do, excellent work in this area and I look forward to working with them as we carry out the review over the next 12 months or so. Indeed I would like to echo many of the words that Deputy Le Claire has mentioned in support of Mr. Powell. Mr. Powell has been in this position since January 2001 and he brings - and has as I have found out over the 14 or so months - a terrific amount of experience and knowledge that I would like to utilise as we, as I say, review this particular area. So I just look to the States Members to support Mr. Powell's reappointment as Chairman of the Jersey Child Care Trust. Could I have the appel, please.

**The Deputy Bailiff:**

The appel is called for. Those Members not in their seats are invited to return. I will ask the Greffier to open the voting on the proposition to approve the reappointment of Mr. Colin Powell as Chairman of the Jersey Childcare Trust. If all Members have had a chance for voting, I ask the Greffier to close the voting and announce that the proposition has been approved 38 votes in favour, none against.

| <b>POUR: 38</b>              | <b>CONTRE: 0</b> | <b>ABSTAIN: 0</b> |
|------------------------------|------------------|-------------------|
| Senator T.A. Le Sueur        |                  |                   |
| Senator P.F. Routier         |                  |                   |
| Senator T.J. Le Main         |                  |                   |
| Senator B.E. Shenton         |                  |                   |
| Senator J.L. Perchard        |                  |                   |
| Senator A. Breckon           |                  |                   |
| Senator S.C. Ferguson        |                  |                   |
| Senator B.I. Le Marquand     |                  |                   |
| Connétable of Trinity        |                  |                   |
| Connétable of Grouville      |                  |                   |
| Connétable of St. Brelade    |                  |                   |
| Connétable of St. John       |                  |                   |
| Connétable of St. Saviour    |                  |                   |
| Connétable of St. Lawrence   |                  |                   |
| Connétable of St. Mary       |                  |                   |
| Deputy R.C. Duhamel (S)      |                  |                   |
| Deputy of St. Martin         |                  |                   |
| Deputy R.G. Le Hérissier (S) |                  |                   |
| Deputy J.A. Martin (H)       |                  |                   |
| Deputy of St. Ouen           |                  |                   |
| Deputy of Grouville          |                  |                   |
| 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. Pitman (H)         |                  |                   |
| Deputy K.C. Lewis (S)        |                  |                   |
| Deputy I.J. Gorst (C)        |                  |                   |
| Deputy of St. John           |                  |                   |
| Deputy M. Tadier (B)         |                  |                   |
| Deputy A.E. Jeune (B)        |                  |                   |
| Deputy T.M. Pitman (H)       |                  |                   |
| Deputy E.J. Noel (L)         |                  |                   |

|                         |  |  |  |  |
|-------------------------|--|--|--|--|
| Deputy T.A. Vallois (S) |  |  |  |  |
| Deputy M.R. Higgins (H) |  |  |  |  |
| Deputy A.K.F. Green (H) |  |  |  |  |
| Deputy J.M. Maçon (S)   |  |  |  |  |

## **ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS**

### **The Deputy Bailiff:**

I now call on the Chairman of P.P.C. for arrangement of public business for the next sitting.

#### **4. Connétable J. Gallichan of St. Mary (Chairman of Privileges and Procedures Committee):**

As usual I will take my starting point as the lavender sheet, arrangement M. I have been advised of one or 2 changes by Members. I think it best if I just outline them now, the Members may or may not wish to speak to them. Firstly on 25th May proposition P.30, Chief Officer of the States of Jersey Police Force appointment is moved to 22nd June, as is P.33, Chief Officer of the States of Jersey Police appointment process in the name of the Deputy of St. Martin also moved to 22nd June, along with the amendments thereto and comments. On that same day P.54, Public Employees Contributory Retirement Scheme Committee of Management Membership has been withdrawn but relodged with a minor amendment on 11th May as P.60 for debate on that same sitting.

### **The Deputy Bailiff:**

For debate still on 25th of May?

### **The Connétable of St. Mary:**

The 8th June remains unchanged. On 22nd June, as I said, P.30 and P.33 are added. There is the amendment P.57 which you have just noted as lodged on the 22nd June, and on 6th July, the addition of P.61, Housing Development Fund cost benefit analysis lodged in the name of Senator Breckon.

### **The Deputy Bailiff:**

Does any Member wish to speak?

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

I beg your pardon, I do not really have a clear understanding as to the procedure but I did lodge ... I put forward for lodging a proposition which I understand has been approved subject to the language being tightened up a little by the Greffier in relation to ... the reason why I am standing is just to give forewarning to Members that I would hope that it would be possible to debate that at or before the actual Property Holdings debate occurs so that we can have cognisance of movements in relation to property matters because my proposition does relate to ministerial decisions and bodies tendering or selling States owned properties. So it is really just ... unfortunately I cannot comment because it has not been officially recognised as being lodged but I would argue under Standing Orders ... arrangement of public business just to give Members as head up that I will be trying to get that in at the appropriate time.

### **The Deputy Bailiff:**

Members will no doubt have noted those comments. If there be no other business, the States stand adjourned until 25th May.

## **ADJOURNMENT**

[15:35]