



**THE STATES assembled on Thursday
7th October 2021, at 9.30 a.m. under
the Presidency of the Bailiff,
Timothy John Le Cocq, Esquire.**

All members were present at roll call with the exception of –

Senator Lyndon Joh Farnham – excused attendance (arrived in the Chamber at 9.41 a.m.)
Senator Sarah Craig Ferguson – excused attendance (joined at 9.46 a.m.)
Senator John Alexander Nicholas Le Fondré – excused attendance (arrived in the Chamber at 9.56 a.m.)
Connétable Sadie Anthea Le Sueur-Rennard of St. Saviour – excused attendance (joined at 9.41 a.m.)
Deputy Michael Roderick Higgins of St. Helier – excused attendance (joined at 9.39 a.m.)
Deputy Jeremy Martin Maçon of St. Saviour – excused attendance (joined at 4.29 p.m.)
Deputy John Hilary Young of St. Brelade – excused attendance (joined at 9.37 a.m.)
Deputy Charles Hugh Raymond of Trinity – excused attendance (arrived in the Chamber at 9.40 a.m.)
Deputy Trevor Pointon of St. John – excused attendance (joined at 9.37 a.m.)
Deputy Jessica Harriet Perchard of St. Saviour – ill

Prayers read by the Greffier of the States

Standing Order 55A – remote participation

THE STATES, with reference to their Act dated 14th September 2021, in which they had agreed that, notwithstanding Standing Order 55A(1), members who did not wish to attend in the States Chamber might continue to take part in States meetings using Microsoft Teams (until the States had considered and voted upon a proposition to re-apply Standing Order 55A(1) or to repeal or vary the terms of the Standing Order), assembled in accordance with Standing Order 55A with members able to participate remotely using Microsoft Teams.

Written Questions

The Bailiff, in accordance with Standing Order 12(4)(b), ruled that the answer tabled on 5th October 2021 by the Minister for Health and Social Services to the question asked by the Connétable of St. John (WQ.383/2021) had contravened Standing Order 12(2A) and directed the Minister to submit an answer that did not contravene the Standing Order.

Our Hospital – Budget, Financing and Land Assembly P.80/2021

THE STATES, resuming consideration of the proposition of the Council of Ministers entitled ‘Our Hospital – Budget, Financing and Land Assembly’ (P.80/2021), as amended, rejected an amendment of the Future Hospital Review Panel (P.80/2021 Amd.(2)) that –

in paragraph (a) “up to £550 million” should be substituted for the figure “£804.5 million”;

in paragraph (b) the word “partly” should be added after “funded” and “£400 million” should be substituted for the figure “£756 million”;

in sub-paragraph (c)(ii) “£400 million” should be substituted for the figure “£756 million”;

in sub-paragraph (d)(i) substitute “as up to £550 million” for “to £804.5 million”;

in sub-paragraph (d)(iii) “up to £400 million” should be substituted for the figure “£756 million”.

Members present voted as follows –

POUR: 22

Senator S.C Ferguson
 Senator T.A. Vallois
 Senator K.L. Moore
 Senator S.W. Pallett
 Senator S.Y. Mézec
 Connétable of St. Saviour
 Connétable of St. Brelade
 Connétable of Grouville
 Connétable of St. Martin
 Connétable of St. John
 Deputy G.P. Southern (H)
 Deputy M. Tadier (B)
 Deputy of St. Martin
 Deputy L.M.C. Doublet (S)
 Deputy of St. Mary
 Deputy K.F. Morel (L)
 Deputy M.R. Le Hegarat (H)
 Deputy S.M. Ahier (H)
 Deputy R.J. Ward (H)
 Deputy C.S. Alves (H)
 Deputy K.G. Pamplin (S)
 Deputy I. Gardiner (H)

CONTRE: 26

Senator I.J. Gorst
 Senator L.J. Farnham
 Senator J.A.N. Le Fondré
 Connétable of St. Helier
 Connétable of St. Lawrence
 Connétable of Trinity
 Connétable of St. Peter
 Connétable of St. Mary
 Connétable of St. Ouen
 Connétable of St. Clement
 Deputy J.A. Martin (H)
 Deputy of Grouville
 Deputy K.C. Lewis (S)
 Deputy M.R. Higgins (H)
 Deputy J.M. Maçon (S)
 Deputy S.J. Pinel (C)
 Deputy of St. Ouen
 Deputy R. Labey (H)
 Deputy S.M. Wickenden (H)
 Deputy G.J. Truscott (B)
 Deputy J.H. Young (B)
 Deputy L.B.E. Ash (C)
 Deputy G.C.U. Guida (L)
 Deputy of St. Peter
 Deputy of Trinity
 Deputy of St. John

ABSTAIN: 0

THE STATES resumed consideration of the proposition of the Council of Ministers, as amended, and, adopting paragraphs (a) to (d) of the proposition, referred to their Act dated 23rd October 2012, which requested the Council of Ministers to bring forward proposals for a new hospital, their Act dated 17th November 2020, which approved Overdale as the preferred site for a new hospital for Jersey and which approved the use of Compulsory Purchase of property identified in Appendix 1 of P.129/2020, if required, and their Act dated 1st February 2021, which approved Westmount Road as a two-way roadway with areas for active modes of travel, such as walking and cycling, as the preferred primary access option for a new hospital at Overdale and –

- (a) agreed a maximum expenditure cap for Our Hospital, to project completion, of £804.5 million, that could not be exceeded without further approval from the States Assembly;
- (b) agreed that the remaining costs of Our Hospital, to project completion, should be funded through borrowing (external financing) up to and including a maximum of £756 million allowing for the reimbursement of £12.7 million to those capital schemes that had provided funding to Our Hospital in 2021;

- (c) agreed that the Strategic Reserve Fund policy should be amended so as to allow the Fund to be used to support the delivery of Our Hospital, and further agreed that –
- (i) the borrowing (external financing) obtained for Our Hospital, referred to in paragraph (b) above, would be paid into the Strategic Reserve Fund;
 - (ii) transfers would be made from the Strategic Reserve Fund to the Consolidated Fund, as and when required and permitted, up to and including £756 million to meet the cashflows required to deliver the Project, including reimbursement of funding to those capital schemes that had provided funding in 2021; and
 - (iii) all costs related to the borrowing (external financing) to meet debt financing costs, issuance costs, debt repayments, management and administration costs would be met from the Strategic Reserve Fund with a transfer made to the Consolidated Fund, as and when required and permitted (with the intent that sufficient returns were generated to meet the debt obligations and associated costs as they fell due).
- (d) approved, in accordance with the terms of the Public Finances (Jersey) Law 2019 (the Law), the following amendments to the Government Plan 2021-2024 (the Government Plan) –
- (i) an increase in the overall cost of the Major Project defined as Our Hospital to £804.5 million and the amendment of the figure shown for this project in Table 4 – Major Projects of Appendix 2 of the Government Plan as set out in Appendix 2 of the Report accompanying the proposition;
 - (ii) an increase in the 2021 head of expenditure, being the amount which might be spent on this project in 2021, to £70 million, included in Table 5(ii) – Capital Heads of Expenditure of Appendix 2 of the Government Plan;
 - (iii) an increase in the level of external borrowing (financing) required by £756 million for 2021, which might be obtained by the Minister for Treasury and Resources as and when required, to enable the delivery of Our Hospital and the amendment of Table 3 – Proposed borrowing of Appendix 2 of the Government Plan;
 - (iv) the authorisation of the transfer of £21 million from the Strategic Reserve Fund into the Consolidated Fund in 2021 to meet the additional cash flow funding requirements of Our Hospital over and above amounts previously approved in the Government Plan for 2021 and transfers approved by the Minister for Treasury and Resources;
 - (v) an agreement that up to a further £2 million be transferred from the Strategic Reserve Fund in 2021 and into the Consolidated Fund and that a new Head of Expenditure – Debt Management be established for up to £2 million to cover costs relating to the issuance, management and administration of the borrowing required for Our Hospital;

Members present voted as follows –

POUR: 32

Senator I.J. Gorst
 Senator L.J. Farnham
 Senator J.A.N. Le Fondré
 Senator T.A. Vallois
 Connétable of St. Helier
 Connétable of St. Lawrence
 Connétable of Grouville
 Connétable of Trinity
 Connétable of St. Peter
 Connétable of St. Mary
 Connétable of St. Ouen
 Connétable of St. Martin
 Connétable of St. Clement
 Deputy J.A. Martin (H)

CONTRE: 14

Senator S.C. Ferguson
 Senator K.L. Moore
 Senator S.W. Pallett
 Senator S.Y. Mézec
 Connétable of St. Brelade
 Connétable of St. John
 Deputy G.P. Southern (H)
 Deputy M. Tadier (B)
 Deputy of St. Martin
 Deputy M.R. Le Hegarat (H)
 Deputy S.M. Ahier (H)
 Deputy R.J. Ward (H)
 Deputy C.S. Alves (H)
 Deputy I. Gardiner (H)

ABSTAIN: 1

Deputy of St. Mary

Deputy of Grouville
 Deputy K.C. Lewis (S)
 Deputy M.R. Higgins (H)
 Deputy J.M. Maçon (S)
 Deputy S.J. Pinel (C)
 Deputy of St. Ouen
 Deputy L.M.C. Doublet (S)
 Deputy R. Labey (H)
 Deputy S.M. Wickenden (H)
 Deputy G.J. Truscott (B)
 Deputy J.H. Young (B)
 Deputy L.B.E. Ash (C)
 Deputy K.F. Morel (L)
 Deputy G.C.U. Guida (L)
 Deputy of St. Peter
 Deputy of Trinity
 Deputy of St. John
 Deputy K.G. Pamplin (S)

THE STATES, adopting paragraph (e) of the proposition of the Council of Ministers, as amended –

(e) in accordance with the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961 –

- (i) approved the acquisition by the Public of the land and properties required to deliver the Our Hospital project at Overdale, including, where appropriate, land or property to accommodate the hospital buildings and their reasonable curtilage and any other properties to facilitate access to the site as identified as the permanent site area on Plan 4 in Appendix 1;
- (ii) agreed to negotiate with the owners for the purchase of the said land and properties at a fair and proper price to be agreed by the Minister for Infrastructure;
- (iii) empowered the Minister for Environment, in exercise of the powers conferred by Article 119 of the Planning and Building (Jersey) Law 2002, to acquire the land and any interest therein, including the acquisition of a servitude or other right over land by the creation of a new servitude or right, or to extinguish or modify a servitude or other right over land, by compulsory purchase on behalf of the Public in accordance with the provisions of the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961, not to be executed until the successful determination of the Planning Application for the new hospital and access road;
- (iv) agreed to provide funds to meet the expenses of up to a maximum of £36 million included within the budget sums included in paragraphs (a) and (b) above for the acquisition of the land and properties and any interest therein as referred to in sub-paragraph (i) of paragraph (e) in accordance with Article 3(b) of the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961, and, in accordance with the Public Finances (Jersey) Law 2019 (“the Public Finances Law”), to authorise the payment or discharge of the expenses incurred in connection with the acquisition of the land and any other interests therein referred to in sub-paragraph (i) of paragraph (e), and of the payment of all legal expenses;
- (v) authorised H.M. Attorney General and the Greffier of the States on behalf of the Public to pass any necessary contracts in connection with the acquisition and subsequent sale of the site and adjoining land.

Members present voted as follows –

POUR: 37

CONTRE: 9

ABSTAIN: 2

Senator I.J. Gorst

Senator K.L. Moore

Senator S.C Ferguson

Senator L.J. Farnham	Connétable of St. Helier	Deputy J.H. Young (B)
Senator J.A.N. Le Fondré	Connétable of St. Saviour	
Senator T.A. Vallois	Connétable of St. Brelade	
Senator S.W. Pallett	Connétable of St. John	
Senator S.Y. Mézec	Connétable of St. Clement	
Connétable of St. Lawrence	Deputy M.R. Le Hegarat (H)	
Connétable of Grouville	Deputy S.M. Ahier (H)	
Connétable of Trinity	Deputy I. Gardiner (H)	
Connétable of St. Peter		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		
Deputy R. Labey (H)		
Deputy S.M. Wickenden (H)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy L.B.E. Ash (C)		
Deputy K.F. Morel (L)		
Deputy G.C.U. Guida (L)		
Deputy of St. Peter		
Deputy of Trinity		
Deputy of St. John		
Deputy R.J. Ward (H)		
Deputy C.S. Alves (H)		
Deputy K.G. Pamplin (S)		

THE STATES, adopting paragraph (f) of the proposition of the Council of Ministers, as amended –

- (f) agreed that the planning application submitted for consideration should fully describe the mitigations to address the Act of the States dated 1st February 2021, which approved the preferred primary access option for a new hospital at Overdale, including the following decisions –
- (a) the minimising of any reduction in the green space and tree planting in People’s Park and Westmount Road and their environs, and any other Parish land impacted by highway improvements in relation to the new hospital project, and the replacement of any green areas that were lost and any lost trees in consultation with the Connétable of St. Helier and Jersey Trees for Life;
 - (b) the relocation and replacement of any existing community facilities that were impacted by the development of the new hospital access roads, in consultation with the Connétable of St. Helier; and

- (c) the replacement of any parking facilities that were lost due to the development of the new hospital access roads at a location to be provided in consultation with the Connétable of St. Helier.

Members present voted as follows –

POUR: 44

Senator I.J. Gorst
 Senator L.J. Farnham
 Senator J.A.N. Le Fondré
 Senator T.A. Vallois
 Senator S.W. Pallett
 Senator S.Y. Mézec
 Connétable of St. Helier
 Connétable of St. Lawrence
 Connétable of St. Saviour
 Connétable of St. Brelade
 Connétable of Grouville
 Connétable of Trinity
 Connétable of St. Peter
 Connétable of St. Mary
 Connétable of St. Ouen
 Connétable of St. Martin
 Connétable of St. John
 Connétable of St. Clement
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of Grouville
 Deputy K.C. Lewis (S)
 Deputy M. Tadier (B)
 Deputy M.R. Higgins (H)
 Deputy J.M. Maçon (S)
 Deputy S.J. Pinel (C)
 Deputy of St. Martin
 Deputy of St. Ouen
 Deputy L.M.C. Doublet (S)
 Deputy R. Labey (H)
 Deputy S.M. Wickenden (H)
 Deputy of St. Mary
 Deputy G.J. Truscott (B)
 Deputy L.B.E. Ash (C)
 Deputy K.F. Morel (L)
 Deputy G.C.U. Guida (L)
 Deputy of St. Peter
 Deputy of Trinity
 Deputy of St. John
 Deputy M.R. Le Hegarat (H)
 Deputy S.M. Ahier (H)
 Deputy R.J. Ward (H)
 Deputy C.S. Alves (H)
 Deputy K.G. Pamplin (S)

CONTRE: 1

Deputy I. Gardiner (H)

ABSTAIN: 2

Senator S.C Ferguson
 Deputy J.H. Young (B)

Changes in Presidency

The Bailiff retired from the Chamber during consideration of the Council of Ministers entitled 'Our Hospital – Budget, Financing and Land Assembly' (P.80/2021), as amended, and the meeting continued under the Presidency of Dr. Mark Egan, Greffier of the States. The Greffier of the States retired from the Chamber during consideration of the same proposition and the meeting continued under the Presidency of Mrs. Lisa-Marie Hart, Deputy Greffier of the States.

Adjournment

THE STATES adjourned, having agreed to reconvene on Friday 8th October 2021 to continue consideration of the outstanding items of public business listed for the meeting.

THE STATES rose at 5.45 p.m.

DR. M. EGAN

Greffier of the States