

STATES OF JERSEY

OFFICIAL REPORT

MONDAY, 5th OCTOBER 2009

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

PUBLIC BUSINESS – resumption

1. Draft Annual Business Plan 2010 (P.117/2009) - paragraph (f)

The Bailiff:

We return to the debate on the Business Plan and paragraph (f) is the next matter and I ask the Greffier to read paragraph (f) of the proposition.

The Deputy Greffier of the States:

(f) To approve indicative total net revenue expenditure for the States funded bodies as set out in Part 3 of the report Summary Table C page 96, for the period 2011 to 2014 and the proposed programme of capital projects for the States funded bodies for 2011 to 2014 as set out in Part 3 of the report Summary Tables F to I, pages 99-102; and to request the Chief Minister to present Annual Business Plans to the States within these indicative total amounts, with any additional growth in the total net revenue expenditure of a States funded body being offset by compensatory savings elsewhere within the total amounts.

1.1 Senator P.F.C. Ozouf (The Minister for Treasury and Resources):

I would like to welcome Members back for part 2 of the Business Plan debate. The purpose of this part (f) of the proposition is to expand on the allocations for 2010, that the Assembly has already agreed in parts (b) and (c), and now to determine the indicative allocations between revenue expenditure and capital expenditure for the 5-year financial forecast. The proposition provides the in principle financial target for each of the Ministerial departments and States funded bodies, Members will understand that targets need to be established for the purposes of longer term business planning and are based on the States agreed Strategic Plan objectives and initiatives. In respect of capital projects, this is important as obviously capital projects have a long lead time and some certainty to the availability of funding is required in advance. The indicative allocations for revenue expenditure in the forward years are based on the financial model which makes specific provision for pay awards at the uprating of benefits, non-staff inflation and continuing efficiency gains. Members will recall that the figures proposed for the net revenue expenditure and capital expenditure allocations for 2010 to 2014 are shown in Summary Table C of the Business Plan, the details of the capital projects which currently make up the proposed capital project are shown in Summaries Table F to I. Members will note that these future years' figures are no longer in principle numbers but they are regarded as indicative. I think that I would like to say just one thing in respect of these indicative numbers, and as I think back to the debate that we had the week before last, the one concern that I have is that many Members want to improve services in the area of public services, whether it be health or other areas. However, I need to say - and I will continue to try and be the financial conscience of Members during the rest of this debate, and particularly in part (f) and I need to say, wearing that hat - that all of these expenditure items and additions are going to need to be paid for. Without wanting to get off to a bad start with Members on a Monday morning, I do think there is a debate to be had in future as to how the States matches income lines with expenditure. Many of the discussions that we had the week before last was on spending but not many Members wanted to take the time to explain to me, and perhaps the public, how these projects were going to be paid for. I need to say to the Assembly that these indicative spending limits cannot be met by current levels of income and therefore going forward the Assembly is going to be faced with 2 choices; either to increase taxes or to revisit these indicative numbers and to cut spending in other areas. I am committed to having that debate with Members, not today, but in the next 6 and 18 months' time. We have started the process of a comprehensive spending review, finance directors and accounting officers spent 2 days at the end of last week discussing how to deal with a scaleable comprehensive spending review. We have also started the review of the fiscal strategy. I am committed to having a proper debate with Members on this balance. It is also needing to be said that these indicative figures do not necessarily also include the numbers, in fact

in many cases they do not include the actual financial consequences of many of the big spending initiatives that were contained within the Strategic Plan, most importantly the ageing population, New Directions at Health, the reforms needed to the liquid waste network and the ongoing challenges of States maintenance, and now perhaps also the issue of pensions. That is all I am going to say in respect of these indicative plans. There are a number of amendments to be had, so I make the proposition.

The Bailiff:

Is paragraph (f) seconded? **[Seconded]**

2. Draft Annual Business Plan 2010 (P.117/2009) third amendment (P.117/2009 Amd.(3)) (paragraph 2)

The Bailiff:

There are a number of amendments. The first one is paragraph 2 of amendment number 3, lodged by Senator Shenton, and I will ask the Greffier to read the amendment.

The Deputy Greffier of the States:

Page 3, paragraph (f), after the words “Summary Table C, page 96, for the period 2011 to 2014” insert the words “except that total indicative net revenue expenditure of the Health and Social Services Department shall be increased by £487,000 in 2011 and by £499,000 in 2012 and by a similar sum (increased in accordance with the appropriate non-staff inflation figure) for 2013 and 2014 to provide funding for adult respite care.”

The Bailiff:

This is a matter which was carried overwhelmingly for the year 2010. Chief Minister, what will your approach be on this amendment?

Senator T.A. Le Sueur:

We would be prepared to accept this amendment.

2.1 Senator B.E. Shenton:

I will be very, very brief because I believe this amendment will be accepted by most Members of the Assembly. I think all of us, as politicians, sometimes wonder why we do this job. It is fairly thankless at times but I was in town the other day and a chap came up to me and the department has already started speaking to the stakeholders, who are the people who will benefit from this amendment, and he was telling me what an absolute fantastic difference it will make to his life; the fact that we voted through this money. I do not really want to say any more than this. This is just putting the funding in place for future years. I think this Assembly did very well and did the right thing when we unanimous ... well, no one voted against this amendment and I would like to put forward this amendment.

The Bailiff:

Is the amendment seconded? **[Seconded]** Does any Member wish to speak on the amendment? All those in favour of adopting the amendment kindly show. The appel is asked for then in relation to this amendment. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 40		CONTRE: 0		ABSTAIN: 1
Senator T.A. Le Sueur				Deputy A.E. Jeune (B)
Senator P.F.C. Ozouf				
Senator B.E. Shenton				
Senator F.E. Cohen				
Senator J.L. Perchard				
Senator A. Breckon				

Senator S.C. Ferguson				
Senator A.J.D. Maclean				
Senator B.I. Le Marquand				
Connétable of St. Helier				
Connétable of St. Brelade				
Connétable of St. Martin				
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 Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy of St. Peter				
Deputy P.V.F. Le Claire (H)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy of St. John				
Deputy M. Tadier (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D. De Sousa (H)				
Deputy J.M. Maçon (S)				

3. Draft Annual Business Plan 2010 (P.117/2009) nineteenth amendment (P.117/2009 Amd.(19)) (paragraph 2)

The Bailiff:

The next amendment is paragraph 2 of amendment number 19, lodged by the Chief Minister. This is one where the Assembly must decide whether it agrees to take it despite the fact it has not been lodged for sufficient time.

Senator T.A. Le Sueur:

On the same principle as previously, I believe it is appropriate for this amendment to be debated today.

The Bailiff:

Do Members agree to take this amendment today? Very well, so the amendment is agreed to be taken today, in which case I will ask the Greffier to read it.

The Deputy Greffier of the States:

Page 3, paragraph (f), after the words “Summary Table C, page 96, for the period 2011 to 2014” insert the words “except that total indicative net revenue expenditure of the Health and Social

Services Department shall be increased by £1,127,500 in 2011 and by £1,155,700 in 2012 and by a similar sum (increased in accordance with the appropriate non-staff inflation figure) for 2013 and 2014.”

The Bailiff:

Chief Minister, this again is consequential, as I understand it, upon the vote on the earlier amendment?

3.1 Senator T.A. Le Sueur (The Chief Minister):

It is, and I do not want to dwell on it for very much longer, other than to reiterate what the Minister for Treasury and Resources was saying, that although this expenditure is necessary in dealing with the starting issues arising at the Health Department, we have to be conscious of the fact that it is adding to our ongoing spending and we have to find ultimately ways of resolving that problem. For the moment, this is necessary; having voted it for one year, it would be ludicrous to withdraw it for subsequent years. We need long term planning on this one, and I maintain the amendment to this proposition.

The Bailiff:

Is the amendment seconded? **[Seconded]** Does any Member wish to speak? All those in favour of adopting the amendment kindly show. The appel is asked for then in relation to this amendment. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 43		CONTRE: 1		ABSTAIN: 0
Senator T.A. Le Sueur		Deputy R.C. Duhamel (S)		
Senator P.F.C. Ozouf				
Senator B.E. Shenton				
Senator F.E. Cohen				
Senator J.L. Perchard				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.D. Maclean				
Senator B.I. Le Marquand				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Trinity				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy of St. Martin				
Deputy R.G. Le Hérisssier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy of St. Peter				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy 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 A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D. De Sousa (H)				
Deputy J.M. Maçon (S)				

The Bailiff:

The next matter on the Order Paper is paragraph 8 of the seventeenth amendment of the Deputy of St. Mary. But, Deputy, I think this falls away in view of your withdrawal of the earlier one, is that right?

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

I assume so, Sir. If that funding is available and if it is continued anyway, in its own right, then it is transferable in the same way that it would be for 2010, so I withdraw it.

The Bailiff:

That is withdrawn.

4. Draft Annual Business Plan 2010 (P.117/2009) seventeenth amendment (P.117/2009 Amd.(3)) (paragraph 7)

The Bailiff:

Then we come to paragraph 7 of the seventeenth amendment lodged by the Deputy of St. Mary and I will ask the Greffier to read the amendment.

The Deputy Greffier of the States:

After the words “Summary Table C, page 96, for the period 2011 to 2014” insert the words “except that a sum of £400,000 (increased in accordance with the appropriate non-staff inflation figure) shall be allocated in each of the years 2011-2014 to the proposed programme of capital projects for the funding of the rolling Urban Renewal Fund.”

4.1 The Deputy of St. Mary:

I thought I would be the first to mention at this sitting the amazing ‘Line in the Sand’ demonstration yesterday and congratulations to the organisers are in order. **[Approbation]** I was hoping for that. I think there was an important message that went out from the thousands and thousands of people who were there. What they were telling us is that the coastline of Jersey needs our care and our protection for obvious reasons, but, or and - because it is not a negative “but” it is a positive “but” - our urban areas need the same care and protection.

The Bailiff:

Deputy, I am sorry to interrupt. My mistake entirely, I have always asked the Chief Minister whether he is going to accept the amendment and I forgot to do so on this occasion, so we had better establish it.

Senator T.A. Le Sueur:

No, Sir. The Deputy can continue. **[Laughter]**

The Deputy of St. Mary:

The next one I am hoping for a different response, but this one, yes. I was saying that our urban areas, the contrast is in a way false. We know that our countryside is beautiful and our coastline especially so, and it is easy to take our urban areas for granted or even to neglect them. This amendment seeks to put, as the Minister for Treasury and Resources just said, indicative funding in place to fund an ongoing programme of urban renewal. In fact, it does not seek to put the funding in place but to restore the funding because, as I understand it, there has been a rolling grant for urban renewal for some years and it has only been cancelled in this Annual Business Plan. So it is putting back a commitment to our urban areas. As a former guide, I know that St. Helier is underrated. If anyone here cares to look at the gates to the main market from French Lane, I do not know how many people know how fantastic the workmanship on those gates is. Or just the other day I noticed a couple who were obviously visitors at the crossroads, just 100 yards from here in King Street, and something just about the way they were talking and the way I related to them, and I said: "Have a look at that" and I pointed up at the Mappin and Webb building, and they were amazed. They had not noticed, they were looking down, you see. They were engaged. That building is just amazing and it is a really, really nice building and I said there are plenty more if you look up. It is true that St. Helier, if you look up, is a remarkably nice town and we often forget. Just think of Bond Street, just think of Broad Street. They are fine streets. What this funding would do, would be to allow us to continue to invest in our urban areas so that what you have underfoot is as good as what you can look at if you care to look up for a moment. I always get excited about the potential for St. Helier and this funding is needed to keep the improvements coming. Who would be without Broad Street now, the new look of Broad Street? It is just so much better than what was there before. Now the main criticism of visitors, and I know because I surveyed them when I used to have a cycle hire business, their main criticism was St. Helier. The main aspect about beautiful Jersey that made them not happy really was our capital town. Is that not sad and it does not have to be so. We can keep improving it. We can make it better. I have mentioned St. Helier but what about Les Quennevais? What about Gorey? What about St. Aubin? I will say a few words about St. Aubin, not about the others hoping that maybe other people will chip in on that. But St. Aubin: I attended the community forum there which was excellently led and really inspirational. It ended up with a programme of different areas in St. Aubin; the traffic, the harbour, parking and so on, where people were beavering away to secure improvements but without any funding. That energy that was generated in the community forum will go to waste. Many of those improvements, for instance the Bulwarks cannot be done without a small amount of money. The Gateway, just saying to people as they come into St. Aubin, making that statement that this is a special place. Then the main road, the treating of the main road as it goes round the corner. These things take modest amounts of money and they simply will not happen. I asked at a Planning Scrutiny hearing what would happen if this money stayed not there and they said these improvements will not happen. It was as simple as that. I think it would be tragic if we simply let down the people who live in our urban areas. It is not just those who live there, is it? We all work or use or live in St. Helier, in particular, let us show some sort of pride in our Island. Let us not go tawdry and cheap. Let us do the job properly and that does require this kind of steady drip-drip funding for those improvements that otherwise will simply not happen. So I move the amendment.

The Bailiff:

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

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

I would just like to say that I would implore the House to back this amendment. The Constable of St. Helier got the successful amendment accepted in this House in the last sitting to get the money put back in the pot for 2010 for the regeneration programme. We now need to secure the funding

for 2011 and 2012 on to 2014. If we neglect our regeneration now because times are difficult and unsure, in the good times it will be much more difficult to keep up. We know from the past that things have been neglected and now in really difficult times we are having to put money in to maintain the infrastructure. We have problems with the States assets as well because they were not maintained. It is important that we do not rob Peter to pay Paul and I ask the House to accept this amendment.

4.1.2 Senator T.A. Le Sueur:

I do not doubt the merits of urban regeneration and nor, I am sure, does the Constable of St. Helier, and it is really a question of how this should be funded. Conscious of the need not to increase our spending, even by a relatively small amount like this, I am heartened by the fact that this programme can be funded by alternative ways, and I think it is far better that we do it that way rather than add to the burdens of our funding. So I speak not to oppose any of the very laudable objectives raised by the Deputy of St. Mary and echoed by Deputy De Sousa, to welcome those, but to urge Members to take note of the fact that this worthwhile expenditure can be funded in a better way than adding to the burdens that we are already facing. For that reason, and that reason alone, I will be opposing this amendment and urge others to do the same.

4.1.3 Deputy J.B. Fox of St. Helier:

Elsewhere in Europe there is a tremendous amount of investment going into small communities and I have been fighting for vibrant villages, as I call it, for many years. These are little urban areas within a parish and they do not have to be in St. Helier alone, although for the life of me I do not see St. Aubin as being an urban area, but never mind. I lived there for 5 years very happily and it is very attractive. But there are other areas that are not attractive. There are other areas that need doing. I have just heard the Chief Minister referring that there are other ways of funding it, I would be very happy to see them but at the moment they are not here, and we need this programme to continue, so I will be supporting this amendment until such time as someone shows me that there are continuations of financing to improve those urban areas, and there are a lot of them, not least the new Rue de Funchal which needs to be improved. Otherwise I would be a little embarrassed to say, at the very least, to bring a president of Funchal or the Mayor across to look at that. So there are lots of other small areas that need attention.

4.1.4 Senator P.F.C. Ozouf:

I think many Members of the Assembly will know that I and other members of the Council of Ministers are very keen supporters of urban renewal. Some of us have fought the difficult battles in relation to urban regenerations of Broad Street, maybe not so difficult of La Motte Street. I think that urban regeneration makes a profound difference to the lives and to the streets of our town. I think the investments that have been made have made a huge difference to those areas and I continue to support them. Therefore, it is difficult to rise and to have to speak against this allocation in future years, but I have to say to the Deputy of St. Mary and to the other Members, that this is an example of where the Council of Ministers has to bring forward a Business Plan that is affordable and that works. What the Deputy of St. Mary does not say is how does he expect this £400,000 for the next 2 years to be funded? I do not need, I think, to remind the Assembly that there is the prospect of a structural deficit in 2012. Work is going on to confirm the effect of the credit crunch so that we understand what the potential ongoing deficit of the States of Jersey is in 2012; I will be reporting that when I lodge the budget in October. In addition to that, there are other under-funded services. There are expenditure challenges that the States have. What I am afraid, and this is a difficult debate, because what never happens is those choices are put before the Assembly. The Assembly each time in every one of the Business Plan discussions has come forward with increases in spending, but there is no explanation, there is no mechanism put in place to fund that. Simply it is something that the Treasury is going to sort out and the Minister for Treasury and Resources will find the money. Well, the Minister for Treasury and Resources has

found the money for urban renewal because it can be fit within the fiscal stimulus plans, but I cannot support a proposal which increases the deficit going further. I am committed to having a proper review of States spending. I am committed to having a fundamental spending review of the 3 big departments and I am committed to engaging, with Members and the public, in debate on spending going forward. But I am afraid that this is the kind of debate which sends the signal that the Assembly are simply prepared to add to expenditure and increase the deficit. I have to say to Members that at the current spending rate the States of Jersey, in terms of its stabilisation fund, is going to run out of money in 2012. We will then have to start drawing from the Strategic Plan or we will have to be raising taxes. There are some choices to be made, and I think that we should not be sending the signal that we are going to increase an already stretched and already difficult financial forecast going forward. Does that mean to say that we are not prepared to work jolly hard to try and find a solution for urban renewal funding? No, it does not. I am committed to finding a solution for urban renewal funding. I want to see an extension of section 106 alternative arrangements in Jersey and planning obligations. I would like to see the North of Town Masterplan approved by this Assembly and see the urban regeneration - which I suspect, this money, if it is made available, would be made to improve the roads of the North of Town in order to try and find ways of bringing developers into schemes so that they pay for them. The Assembly cannot continue to spend money at this rate without having to face even larger tax rises than are already going to have to be put to the Assembly in the event that the structural deficit is there and to pay for other projects. It pains me to say so, but financial discipline is a responsibility of this Assembly.

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

Much as I would like to support my vice-chairman, I cannot. I have got areas within my own parish and within all outlying areas of the Island which have still not got mains services. "I know Rondel is going to be on his feet again", that is what Members must be thinking "about main drains". But there are people who are paying twice to have their sewerage removed and it is totally unfair. We have other people who do not have a proper bus service, whether you live in St. John, St. Martin, St. Ouen, across the north of the Island, and I am surprised that the Deputy has not raised that particular area. We have a very poor bus service. We pay £4-odd million to a bus operator and, in my mind, he does not portray himself as going out and increasing his business. When that contract comes up I sincerely hope that we have a good chance of seeing exactly what is in that contract because there are a load of areas that we need to spend money on. Last week we voted some £10-odd million for the town park. All this money has to come from somewhere. We have to cut our cloth accordingly. I did not bring a report and proposition to increase the funding on main drains, and I can assure you it is needed, and now that the rains have started yet again we are going to see people pumping out waste on land, which is illegal, but people still do it because they cannot afford the £100 every other week to have their soakaways emptied by the tanker. Therefore I would turn a blind eye because I know the difficulties, especially now when we are in a time of recession, that people are having. I sincerely hope that Members do not go with this one because we have to cut our cloth accordingly, as I have already said. Think of those people out in the outlying areas who do not have all the amenities which the people in the town and the south of the Island have.

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

The Deputy of St. Mary spoke of urban areas. He spoke of St. Helier, St. Aubin and even Gorey. In his summing up, can he confirm that areas such as Georgetown are seen as urban areas for my vote? [Laughter]

4.1.7 Deputy J.A. Martin of St. Helier:

It is always a pleasure to follow the Deputy of St. John and my heart bleeds for all the people who live in the massive town park in every other parish except probably St. Saviour, St. Helier and St. Clement, because in your backyard you all have a lovely town park. Open fields and fresh air. So I

am sorry [Approbation] my heart does not bleed for the people who live in the country. My heart is as a St. Helier Deputy. I was not here last week but the Deputy of St. Mary has brought me up to date and our Constable has secured monies for the next year. But £400,000, we need a 3-year rolling programme to be put into place to even halfway touch some of the areas in St. Helier, St. Saviour and St. Clement, possibly St. Brelade. But town, I really cannot have the same debate 3 months down the line when I am told we must put at least another 2,000, 3,000 people in town, and it is in town, it is not the other parishes, but we can only plan for urban renewal for one year. It is ridiculous. You want to go out to tender ... as you say now, we are in recession, we want to go out to tender. We have got them where we want them but we have not got the money for the next 3 years for the developers and we need to spend that money now. I agree with the Minister for Treasury and Resources; it is a fantastic plan for the North of Town, even with or without the houses on the park. That is another debate. But the actual improvements of the roads and everything around there, and that is one small part of St. Helier and, as the Deputy has said, there are other places, but please do not come to me and tell my heart to bleed for all your people who live in the country with lovely clean air. Yes, there are improvements to be made, when you have got kids and families squeezed into bedsit land, and when they come out there is nowhere, nothing for them to see except more and more traffic. All the traffic, by the way, is coming in probably from St. John and [Laughter] the outlying villages running round the town. I would like some consistency in this House for once. If you really want, and my Constable and me we do not even agree on this, but if that is going to be the place that people are going to live and it is going to be a place, in my Constable's words, that where they are queuing up to live, we need the money now and we need a 3-year plan. I think it is just sensible to do it.

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

I think the States have too narrow a focus in relation to tax and spend. The possibilities of raising revenue from other sources was mentioned by the Chief Minister although he did not mention what they could be, he did say that this is not the right time to support this because there are other ways of doing it and they can be funded in a different way, so I presume then, as he and the Minister for Treasury Minister and Resources spoke in favour of urban regeneration, that they are all for it except they do not have the cash. We Back-Bench Members have been sitting here for years now asking them to look at other ways of investing and diversifying in this economy of ours, some of which are outlined within the Island Plan, and it is available in Members' pigeon holes today, the new draft Island Plan. We see the issues in relation to tidal energy and offshore wind generation, which can provide millions of pounds of new revenue sources, yet we see very little in relation to the investment that is required and the encouragement of that industry to Jersey. I have recently sent an email around talking about a very large company coming to Jersey to discuss these issues and circulated that to the Members with Ministerial responsibility, have not even had a reply in some cases. This is one of the largest multinational companies in the world in this area. It is shocking. Managing change in the Island Plan under section 4.5.0 says this: "St. Helier urban character appraisal identified some of the challenges facing St. Helier in 2005 by stating that St. Helier is in many ways a remarkable place with many of the assets and attributes of a much larger city but at the same time the urban experience is disappointing and in some respects the town is dull and old-fashioned." It also went on to identify some of the drivers of change and opportunity that would help shape the future of St. Helier. Some of those things that it goes on to talk about are the opportunities in the future for us all to avoid having more properties in St. John that have not got septic tanks that need to be driven down to Bellozanne, tipped into the slurry there. They talk about putting more houses in St. Helier, and that is basically the ethos of this new Island Plan, is build it all in town. St. Helier, from my experience, has always been a bit of the poor relation at the table, yet it has the most wealthy representation. It has got a Constable. It has got its Deputies and, yes, it has got 12 Senators. But rarely do we see support for the Constable of St. Helier and the regeneration of St. Helier and, I am sorry, as nice as Broad Street is, in the whole scheme of things, in a scale perspective, it is pitiful. It is absolutely pitiful. The use that this parish sees in terms of

daily wear and tear from the whole of the Island, those residents that come in from St. John, who do not have mains drains, that work here, that make money, that can afford big houses and go out and live in St. John, where there are no mains drains, come here everyday and enjoy, along with us, the advantages of having a modern thriving financial centre. But that modern financial thriving centre is woeful and pitiful in many areas where lots of people, who live in Jersey, who work and support that industry, not necessarily in it, are forced to live because of economic factors. Now there are opportunities here that I hope the Island Plan will address, and I have said this before to the Minister for Planning Minister and Environment, who I do believe is a breath of fresh air in this regard, we do not really necessarily need to start building new houses, we just need to start providing the office space, and that is why I voted in favour of the Masterplan for the waterfront and why I am quite keen in seeing the development of the North of Town Masterplan in 90 per cent of what it is putting forward. That is because it talks about the reallocation of office work into office space. If you look around town, most of the properties that are operating as shops or businesses are operating out of townhouses. So we do not necessarily need to build new houses, we just need to start allocating houses that are already built to people who would like to live in them. In 4.6.4 it goes on in this Island Plan to say: "There was a strong likelihood that a significant number of commercial occupants of the new financial and business centre to be created in the Esplanade Quarter will have relocated from other premises in central St. Helier. Potentially this creates the spectre of long-term property voids as secondary office accommodation becomes difficult to re-let or sell. This could have a damaging effect on the appearance and the vitality of the town as has been seen to some extent in Hill Street. Inevitably property owners will hold out for a certain time in an attempt to secure new office tenants and eventually the market will adjust, but this may take some time. Many of the properties vacated may never find new commercial tenants." I think that that is a factor when we have got new people coming into Jersey to look at new opportunities within our finance industry and they walk up and down our shops and our streets and they look at the spaces that surround them. One of the drivers for knowing whether or not the place is thriving or not thriving are the number of tower cranes that you see. I certainly, while not a fan of tower cranes, do not want to see them removed altogether from town because that will mean that the economy has ground to a halt. So I think there is an opportunity for us to ask the Senators who are elected in the main by a lot of St. Helier residents, who have become totally disengaged with the political process in many respects because of the fact that living in town and being in town ... I was chastised last week by Senator Routier for saying it was not the greatest place to be. It is one of the greatest places to be. For certain. But there certainly are better places in Jersey to be and there are certainly better places in St. Helier to be than there are others. In St. Helier No. 1 district there are certainly some areas which need, and have needed for many, many, many years, some urban regeneration. Look at the properties, look at the tenants, look at the areas within town, start to think about the issues and the places where people live in those areas: La Collette, Havre des Pas, you have got the Howard Davis Park starting to be run down, lacking in funds. You walk through Colombière Colomberie, shopkeepers going out of business. You walk down Hill Street; more shops available. You walk through a pedestrianised area into West Centre, and that is fine. But you go on up into where the North of Town Masterplan is calling for change and you start to see the things that are needed. I have said this before, I live in the heart of town, and certainly there are many, many, many instances where you look around and you think: "It is just one big concrete dog toilet." The residents of St. John complain they have not got mains drains, where are the dog toilets? Where are the places for the children to play? Where are the comfortable well-lit and well-maintained areas for people to enjoy their lunch and discuss matters in a feeling of harmony, an environment of harmony. We have got £4 billion in this economy of ours and we are talking one of our greatest achievements is Broad Street. It is pathetic. We need much more. No one-year plan will be sustainable, we all know that, having been in business, for the most part many Members know that, but also having been in the States, most Members know, there is no chance on God's earth that you can deliver something if you just throw one year's funding at it. What you are basically saying is tick the box now, let us get on with it and appease that concern for now and

dismiss it later. We have to get the waterfront moving. We have to get it moving and we have to get it delivered. When is the abattoir site going to be finished? When is that going to be delivered? We saw the wonderful opening up of the Weighbridge and yet all we have seen since then is it covered pretty much with concrete and some different bits and pieces. Hardly anything for the residents and yet it speaks about what we are as a community to those individuals that are coming in to invest in Jersey, if they look around, having come from the places where they live, and they look at our town they must see in the future a much better provided for living space, and with more buildings coming online and with more people being involved with immigration, the Council of Ministers has everything at its disposal to make it pay for itself and to find the funding. It has got control of immigration. It has got control of the budget. It has got control of the department. It has got control of planning. It can impose financial structures in terms of development that require that money to be put to urban regeneration, but the reality is they do not want to because they want to continue to milk the financial system for as much as it has got until it is milked dry. Let us just focus on that one animal. The reality is, is that one animal will not last for ever and we need to diversify, so we need to invest in a vibrant community and while that animal is still the only animal on the block, we need to tell the rest of the world that comes here to look at its money that Jersey is a thriving, healthy, well-run, well-regulated community that cares for its less fortunate and cares for the way it represents itself, not only on the international stage but on the home front, and as already been said, I will not go over it, these are other areas, what about the tourist? Tourists coming into the harbour on an average daily spend, it was calculated 10 years ago, into the marina was spending £75 a day. We have got a wonderful marina, we can do more in that area but what is the point in giving them a wonderful berthing opportunity when they walk across the road into a rundown, dilapidated town? It cannot continue. We need to invest in St. Helier, not because I am a St. Helier Deputy but because it is the Island town. It is the Island town. If Members want to come back and represent their district and say: "You have got to stick up for Gorey, it is a lovely place, and this has fallen down, and you have got to stick up for St. Aubin because we do not want any more cars here, and it is already too busy." Then get on board with St. Helier. It is not about the fact we do not have the money this year for next year or the next year, it is about the fact that the Council of Ministers are not applying their minds outside of the box, and they are not looking for new ways of creating income as much as some of us would like them to in these opportunities of renewable energies, et cetera et cetera, and diversifying the economy.

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

If I could just correct a couple of important comments in the last speech, which was touched on. I believe Deputy Le Claire described the Constable of St. Helier as wealthy, which I have to assure him is completely untrue. I think what he meant was that the representatives of St. Helier have a good proportion of the seats in the House, but maybe I misheard him. Perhaps he said I was healthy, I do not know. He also implied that it was St. Helier that stood to gain from this and as a previous speaker said, this is not just about St. Helier, it is about all urban areas and I think Deputy Maçon rightly raised the condition of Georgetown, Longueville, other Deputies might refer to Les Quennevais. There are urban areas around the Island which really need the kind of investment that we are talking about today. A final correction: Deputy De Sousa, who spoke first, said that I had succeeded in my amendment to get the funding reinstated for next year, of course what actually happened was that on a promise from the Minister for Treasury Minister and Resources, that the major projects being worked on for next year would not remain unfunded, I withdrew the amendment; so that is just to clarify that point. I am very grateful to the Deputy of St. Mary and his opening speech, which I thought was really a model of economy and strategic thinking. I almost had to do a double take because to hear a St. Mary Deputy talking the way he was, I have certainly not heard that before in 12 years in the States, and it was truly an excellent speech. I was disappointed to hear the Chief Minister followed by the Minister for Treasury and Resources Minister not being able to support this. The Chief Minister was not specific about the alternative funding that he was looking for, and I would remind him that this is but 10 per cent of

the £4 million a year that is being inscribed for essential maintenance and compliance with health and safety, and so on, for our rolling programme of property. If it is important to have a rolling programme for States property, is it not equally important at 10 per cent of that value, to have a rolling programme for investment in the infrastructure of our Island and the public realm. I was just reminded when the Chief Minister was speaking, that his predecessor championed urban regeneration and I think it is a shame that Senator Le Sueur is not willing to be a champion and to assure the urban areas of the Island that they will not be starved of that essential public sector contribution to the public realm, because that is all we are talking about. Equally the Minister for Treasury Minister and Resources said he found it difficult to speak against it, and I thought: “Well, why not be bold like Senator Maclean was last time” and vote against the Council of Ministers. He said we need something which is affordable and that works. I can assure the Minister, and he knows this is true because he has seen it happen, that this very small amount of money we are talking about, £400,000 a year invested into the public realm, repays dividends. It is stimulus money. It is seed corn money. It is like the talent in the parable, it is not left in the ground in a napkin, but is invested and returned to the master many fold. I think it is just a shame the Council of Ministers cannot see this. I just draw to their attention the fact that last week the St. Helier Parish Assembly voted up to £400,000, the same amount, to invest in a single property in town to provide new public toilet facilities, which many ratepayers pointed out is not the job of the parish to do, but somebody has to do it. Somebody has to make sure that the remaining eyesore in Conway Street, that the States and the parish have worked together on, is not left there for another decade and that proper disabled facilities ... the best disabled toilets in the Island somebody was calling for at that meeting, and the parish is going to put that money in. I must say, I felt bad about it. I felt bad about asking parishioners of St. Helier to once again dig into their pockets to pay for something which really should be the States responsibility. Are the Council of Ministers now saying: “Well, we cannot guarantee that we will spend £400,000 over the next few years, per year, on all of the urban areas in Jersey.” I think that is a very poor show and I would urge them to reconsider. What message does this send out today if the Senators vote and the Council of Ministers vote against this? The message they send out is that all of the investment in the public realm must come from the private sector, it must come from planning agreements and planning obligations. I do not know about you, I mean developers are not the most favourite people in the Island but how are they going to feel being told that the States of Jersey simply expect them to do all the work and to spend all the money. It is a partnership between the private and the public sector. We have seen that in the past. We have seen how the private sector will work with us to invest in the public realm and, as I say, that is important. I say this finally for the Council of Ministers, you cannot have it both ways, as Deputy Martin said very persuasively. You cannot expect the urban areas to bear the brunt, if that is what you think it is, I do not, but you cannot expect the urban areas to take all the housing, to take the concentration of development and yet deny the urban areas the essential investment in things like pavements, benches, trees, fountains, all the things that you expect to see in an attractive urban area. Possibly, if they continue to pursue this line, I accept that we have some funding for next year, but if this is the way the Council of Ministers are going to go, I can see I will be joining Deputy Martin’s camp and starting to talk about St. Helier has had enough. Let us send the housing somewhere else. Let us send the housing to St. Mary or St. John. I urge the Council of Ministers to think about this. It is not a large sum of money. It sends out the message that they are serious about developing and continuing to work in partnership with the private sector in the urban areas to make those areas fit for purpose, both as housing areas and areas in which businesses and tourists will thrive. I will obviously be supporting the proposition.

Senator T.A. Le Sueur:

Just to correct a comment from the Constable. Alternative sources of funding were issued in my comments to the amendment, so I did not bother to repeat them today.

4.1.10 Deputy T.M. Pitman of St. Helier:

I thank the Chief Minister for his intervention. Like Deputy Fox, I was really interested to hear the Chief Minister talk of alternative means by which urban renewal can be ensured. Like Deputy Fox, I also have to say that I am afraid I am yet to be convinced that they presently exist, but I am always willing to be persuaded. Listening to the Minister for Treasury Minister and Resources, I fully recognise his concerns and the looming dangers of structural deficit. I also hear the Deputy of St. John's heartfelt plea for improvement in main drains. He has certainly made it enough times that I do not think any one of us could forget the reality of the situation. However, I am afraid I have to support the words of my fellow St. Helier No. 1 Deputy, Deputy Martin. In St. Helier we essentially often have to run just to stand still when it comes to the issue of urban renewal. Other urban areas, likewise I am sure, are just the same. As anyone who has lived outside of the Island for any length of time can confirm, failing to support urban renewal, take it seriously, even in details that might seem almost trivial at first glance, quickly lead to highly damaging social issues. That, I think is a reality that cannot be ignored, whether worsening, existing problems or even creating new ones. Our Constable of St. Helier with the support of all 10 Deputies has shown both vision and commitment to this area. I believe the Assembly should follow that lead and support the Deputy of St. Mary's amendment. I would urge the Assembly to forget all the fine words of support from the Executive in this instance and consider what I have to say is often a grim reality of pouring ever more people into one area, in this case St. Helier. Often facts are just buried beneath the lovely glossy graphics of masterplans. Perhaps I am a little more sceptical than my Constable but there we go. I think there are a lot of people in the parish who feel the same way as I do. However, in returning to the very real concerns of the Minister for Treasury Minister and Resources, I would also seek to help him with his dilemma by suggesting as a key priority that he convinces his colleagues to set about raising money, such as those needed by drawing up and committing to a system of genuine progressive taxation where, instead of middle Jersey carrying the can, those who are fortunate enough to have significant wealth finally do pay their way, because that certainly is not the case all too often right now. Surely that should be a key priority for the Minister for Treasury Minister and Resources. To close, I would echo the words of the Constable of St. Helier and call on the Chief Minister to be the champion of urban renewal that he surely should be. That he surely must be. It is not, as has just been said, a huge amount of money when you look at the bigger picture, and I think if we rejected the Deputy of St. Mary's amendment once again we will be missing that bigger picture. I think Deputy Hilton put it very well in the last session when she said often the Council of Ministers know the cost of everything and the value of nothing. Well, I think here we run the risk of seeing that repeated again. Please do support the amendment.

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

Much what I wanted to say has been said, so I will not repeat it, except that I would just like to put it all into perspective. Do you really mean that we cannot afford this urban renewal when it is not even the price of a modest semi-detached house? [Approbation] Jersey cannot afford to look after its town. I want a town, I am sure we all want a town, that we can be proud of. Not just for the residents, although I think they deserve it, the residents of St. Helier who put up with the noise at night, the traffic and the air pollution, but I think everyone that works in St. Helier deserves to sit in a comfortable nice environment and for the price of a modest ... actually I would like to find a semi-detached house for that price - probably a 3-bedroomed flat these days, we cannot afford it. I will be supporting the amendment.

4.1.12 Deputy M. Tadier of St. Brelade:

I think when we talk about urban renewal we tend to fixate on St. Helier. I think what has been said about the town area and urban regeneration is very valid in St. Helier, whether we live in St. Brelade, St. John or even in St. Helier. But of course we must not forget, it is not limited to those areas. We are also talking about St. John village, we are talking about outlying villages, we are talking about St. Helier, Les Quennevais, Maufant. I think all those are included in this. What fascinates me about these debates, not just this one but in general, the politics, the use of language

and how, depending which side you are on, sometimes something is called a waste of money, and other times is called an investment. The same thing is used for this whole idea of revolution not evolution, which is obviously viewed by one side as an excuse for inaction, they do not want to do anything. Other times we are told we cannot do anything piecemeal, it has to be done wholesale. But I think really the issue here is that, it is about investment. This £400,000 was already allocated. It is not £400,000 that we are asking for in addition. It was already allocated to urban regeneration and as the previous speaker, Deputy Green, mentioned, it is equal to the price of a 3-bedroomed family home, or maybe it is just about the price of an average home these days, so that is the figure we are talking about, and if we cannot afford that in the States then there is something very wrong there. Really, in terms of business, I did mention not so long ago I went to a business conference about the importance of keeping up investment during a recession. They could not highlight enough how important it is to invest during times of recession. The basic principle in layman's terms is 'a stitch in time saves nine'. If you let things go to rack and ruin during tight times then you are storing up trouble for yourself further down the line. These things will need to be paid for and it is best to put the funding back now rather than to save up a damnation for us later on, so to speak. We are basically saving money in the future by spending what we should have been spending now. I think what the Deputy of St. Mary is saying, contrary to the Council of Ministers who say we cannot afford to do this at the moment, is that we cannot afford not to do it. Simply we have to put this investment in otherwise we will be paying for it in the future. When I first looked at this amendment I thought we need a bit more information, what is this £400,000 going to achieve? But looking further at it, as I mentioned, this is only £400,000 which was removed from the fund in the first place, which brings me to the logical conclusion that if, in fact, the Council of Ministers had just left this money in the pot I do not think anyone here today would be making a fuss about it. No one would be saying: "Hang on a minute, we really cannot afford to spend this £400,000." We would have just gone along in good faith with the Council of Ministers thinking presumably that money is well spent there, and I do not think anybody would have voted against it. So, logically, the only conclusion one can draw from that is that people who are voting against this amendment are people who just go along with the Council of Ministers unthinkingly. If you are not in the Council of Ministers themselves itself then if the only reason that you are supporting this is because the Council of Ministers are is supporting it, then that is not really a logical argument. Hopefully I have succeeded in provoking at least one of the Connétables to speak, so I have achieved something. Just to sum up really; this money should have been made available anyway. I simply do not think it is a real use of money. It is not a real saving. This is an investment that needs to be done. It is not one of the corners that we can afford to cut. I would also challenge the Deputy of St. John by saying ... I found his argument slightly spurious saying: "I cannot support this amendment from the Deputy of St. Mary because it is not to do with mains drains." I know he is not here to defend himself, but that seemed to be the crux of it saying: "Well, as long as there are people in Jersey who are not connected to mains drains then I cannot support urban regeneration." That does not seem like the way to a valid argument. In fact, it is not an either/or. I am sure that the Deputy of St. John could support the amendment for the Deputy of St. Mary and then later on when he comes with his own amendment, which is conspicuously lacking - I do not think the Deputy of St. John has brought any amendments to the Business Plan in relation to bringing money forward for mains drains - so I do not believe he is really one to criticise but perhaps I have gone off on a tangent. So the point here; this money is needed. It was allocated. It was then withdrawn by the Council of Ministers. We are simply asking for the money to be put back. This is not an area that we can afford to cut spending in. It is a good investment. It is not just about St. Helier. It is also about urban areas in the whole of the Island. If we really are in favour of urban regeneration and not just paying lip service to it, then I believe we need to accept this amendment. I think the Council of Ministers should also change their minds.

4.1.13 Connétable S.A. Yates of St. Martin:

I do rise in response to Deputy Tadier of St. Brelade. This £400,000 only kicks in in 2011. The Minister for Treasury Minister and Resources said that there is funding up until that point. I have listened to the great support that is coming through for urban renewal and urban regeneration and I totally support urban regeneration, but I do feel that the House is not considering that we are at the beginning of the Island Plan consultation. Things are going to be different by the time Christmas comes because there is a 3-month consultation period, and we must have regeneration zones. We must have urban regeneration. Should that be through the development cash that might be generated by the Jersey Development Company Limited, I think we have got to look at this way of raising this cash for regeneration of our town, our urban areas, and we have got to make it work. We have got to get behind these plans coming up in the near future and make them work. I think that I cannot support this amendment because I have confidence and optimism for the Island Plan consultation and the Island Plan review. Regeneration must occur. Urban renewal must occur. But I do believe the House has to think 3 or 4 months ahead and not now.

4.1.14 Deputy J.G. Reed of St. Ouen:

It is easy to believe when listening to some of the speakers that urban renewal is based simply on the sum of £400,000 and that no consideration is being given to the very large sums of money that continue to be spent in and around St. Helier improving the town's infrastructure, whether it be mains drains, roads, pavements and other areas. To suggest that urban renewal is totally reliant on the sum of £400,000 is extremely misleading. It is very easy for individuals to say: "I want more" but bear in mind that we have many other capital items that are required to be considered in the capital programme that need attention. No mention has been made of these, rather all the focus has been on the urban renewal programme. As such, I think it is wrong and misleading for this House not to consider those other capital priorities. There are some serious needs with regards to maintaining our property and States property. We have school buildings where the roof is leaking. Are Members suggesting that these are a lesser priority than indeed improving parts of St. Helier? Equally I draw Members attention to the fact that in the comments of the Council of Ministers on page 5, the Minister for Planning Minister and Resources directs Members attention to the fact that after 2010 with the masterplan proposals for the north of St. Helier and other areas that funding will be provided, will flow from these developments to, indeed, enhance and improve many areas in St. Helier, and I will not go through the list but the areas are listed there for Members to see. All I would say is that I do believe that the funding for urban renewal will be provided, is going to be certainly provided in 2010, will be ensured for 2011 and beyond, and if not, States Members can, quite rightly, bring forward a proposition to be considered next year. I think that is by far the more appropriate approach in this case.

4.1.15 Senator S.C. Ferguson:

A few comments. The Connétable of St. Helier talked about the parable of the talent. That does rather presuppose that you have got the talent to distribute in the first place. He talked about replacing a building in Conway Street which he did not like. Well, I would remind him that he was instrumental in converting the most patronised toilet in the town to a café. He talks about the new benches in town. Well, there are some benches in the street connecting York Street to just in front of Cyril Le Marquand House. They have an upward curve. They are the most uncomfortable benches I have ever come across. I did try them. Senator Le Claire talked about Senators representing St. Helier ...

Deputy P.V.F. Le Claire:
Sorry, I am a Deputy now.

Senator S.C. Ferguson:

I am sorry. I apologise I have promoted you. Deputy Le Claire talked about Senators representing St. Helier. Well I would remind him that Senators are elected to represent the whole Island and we

have to take the whole situation under consideration. We must consider the big picture. Deputy Pitman recommended higher taxation. Well, there are only about 350,000 people in the over £150,000 a year bracket in the U.K. (United Kingdom) I think. How many do Members really think are located in Jersey? Even if we tax them to the hilt, we certainly would not get the income we require to run the Island. I really feel that the whole of this discussion would be better left until after the Fundamental Spending Review. I am hopeful that this will come up with quite considerable economies because Islanders are greatly concerned about the level of expenditure in the Island and as usual the States areis approaching expenditure in a piecemeal manner and this is quite, quite foolish in this day and age. We should not be doing this. We should be looking at it as a whole and this is something that my Scrutiny Panel is looking at. The total of the amendments in this Business Plan amount to about £25 million on top of what is already estimated and I would remind Members that the £600-odd million is a net revenue expenditure figure; it is not the gross. The gross is well over £700 million. Enough is enough. We should wait until the Fundamental Spending Review is finished. There will be maintenance arising from the fiscal stimulus and there will be planning gains that the Minister for Planning Ministerand Resources is planning. I am sorry, we need to stop spending and just sit tight and think. I shall not be supporting this amendment.

Deputy P.V.F. Le Claire:

I am sorry to interrupt, I received a message from Senator Syvret asking him to be malade today and I did not do that at the beginning of the session. I wonder if I could do that now and I apologise.

The Bailiff:

You received this before the sitting began?

Deputy P.V.F. Le Claire:

In an email but I did not check my emails yesterday - not that particular email - so I am afraid I missed it and I really need to just apologise to you, the Members and Senator Syvret for not having done it.

The Bailiff:

Very well.

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

I seem to recall in the early days of the Urban Renewal Fund that we had somewhat more monies than the £400,000 that has been spoken about. But it was not very long before we had the Audit Commission telling us that they wanted the monies back because those monies were not being spent. That provided the necessary stimulus for those Members who were on the Urban Renewal and Regeneration Group to press ahead with the funding of the splendid work that has been done in Broad Street. But what are we dealing with? Well, this amendment from the Deputy of St. Mary suggests that monies, £400,000, which we all know is not enough for doing meaningful schemes - unless you save up the monies to provide a bigger budget, as indeed happened with Broad Street - shall be allocated in each of the years 2011 to 2014 to the proposed programme of capital projects for the funding of the Urban Renewal Fund. So we are talking about capital projects. It would have been helpful if indeed those projected capital projects had been alluded to for the years 2011 to 2014 but if we look through our books we are unable to find those programmes because they are not there. They have not been cut, they are not there. We have heard assurances from the Chief Minister, and indeed other Ministers, that monies will be found for urban regeneration projects as indeed they come forward to this House as and when. So, really, for me, it poses us a little bit of a difficulty because we are here discussing monies for 2010; proper expenditures. We have already heard from the Minister for Treasury and Resources Minister this morning that the proposals that are put into this process for 2011 to 2014 are no longer in-principle debates, not that they tied the

House or any previous Houses, but the figures that are put in for 2011 to 2014 are indicative. So why bother voting for them if indeed the monies are going to be found when real live projects come forward to this House which we can all support? I cannot see the point. We also have, I feel, put ourselves into a bit of a position whereby we are looking at the transition of how we deal with monies. It is not so very long ago that we were being told that as a result of the development that will take place on the waterfront, some £75 million will be generated and those monies will be put into an Urban Renewal Fund to be partially spent, or helped to be spent, by the Constable of St. Helier and others who are interested in the worthy cause of urban regeneration. Now it might well be said: "Well, where are those monies?" The developer is not there at present but that is an assurance for sizeable sums of monies which will deal with the urban regeneration programme in the way that we all would like to see it completed. We are also due to debate in a number of weeks a move towards setting up a Jersey development company, part of whose aims must be to provide monies for urban regeneration. So it is quite clear we do not need these monies to be inscribed on an indicative basis for projects that have not been properly sorted out at this point in time for 2011 to 2014. This is a spurious amendment and I do not think it should be supported.

4.1.17 Deputy K.C. Lewis of St. Saviour:

There has been a lot of talk today about the St. Helier's Deputies and town. Anyone who wishes to consult the map will see that St. Helier goes very far west but the far east section of town is St. Saviour; the top end of Stopford Road, St. Mark's Road, Wellington Hill. We also have most of the schools in the parish of St. Saviour and the infrastructure is well and truly groaning. We are in talks with the Minister for Education, Sport and Culture with regards to resolving that. Also, much has been said about Howard Davis Park which although is in St. Saviour is what I would call on the edge of town and is free for all to use. I am well and truly in favour of a town park. I did want to go down the route of the North St. Helier regeneration but that is democracy. Deputy Le Claire has mentioned again Howard Davis Park and that it is run down. I would dispute that. It is not as floral as it used to be but it is certainly not run down and this is very demoralising to the park staff who do an excellent job. I am more than happy to do a walk around with the Deputy and if there are any deficiencies I will see that they are remedied.

Deputy P.V.F. Le Claire:

Maybe we could meet near where the fountain used to be, where the old bandstand that is falling down is and we can take it from there.

Deputy K.C. Lewis:

Nothing is falling down but I would be more than happy to meet with the Deputy. It is wonderful: bands, rock concerts, film festivals, Howard Davis Park is truly an asset to the Island and is free for all to use. Thank you.

4.1.18 Deputy A.E. Pryke of Trinity:

This is all very much nice to have but we all continue just to think that the States will provide everything but, especially at this time, let us just look at it laterally. Let us think looking out of the box and let us look at forming some sort of partnerships with developers and other private concerns. We had this Island Plan coming out to consultation; we have North of Town Masterplan and it will go to external inspection prior to coming back to this House to make a decision. At this stage we know that money is tight, the Minister for Treasury and Resources Minister is trying to get that message across, and I think we all need to sit and really listen to what he has to say. These are challenging times and they will be even more challenging in the future. I have properties that I would like to develop, as we all know: Overdale, Clinique Pinel just to name a couple, but we cannot go on spending, spending, spending. It has to come from somewhere. We have heard of the fiscal stimulus review, or comprehensive spending review, let us have a bit of joined-up thinking.

Let us take just one step at a time and let us look at what the Island Plan has to say and that is the way to use it for urban regeneration. Thank you.

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

In these difficult financial times none of us, I think, are is very keen to spend more money than we have to but I am afraid urban renewal is something that has to be undertaken and it is something that has to be planned. St. Saviour and St. Helier - probably the other way around - St. Helier has more problems; St. Saviour does have problems and these areas need to be improved. If it is going to be done properly, it has to be done on a long-term planned basis. You cannot just say: "Oh, we have some money this year, we are going to throw some money at it, we are just going to do this." It needs to be thought out and it needs to be a long, gradual process. One of the problems we have had, I think, is that we have not really taken a long enough view and committed totally to this renewal programme. We do need to carry this out and this does not mean we can do it year by year; I think we need to do it for 5 years. Deputy Duhamel has mentioned that we can vote money when we have the plans on what we need to do. Unfortunately, if there is not a commitment in the long term, I do not think we will be developing the plans to carry them out. [Approbation]

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

I have heard a number of speakers so far suggest that today is not the day to make this decision. Can I just assure Members that unless we make the decision today to commit to spending, then in the future that decision will not come back to this House; it will be referred straight back to the Annual Business Plan 2010. We did not commit to it then, therefore, no money will be made available at all. So do not imagine that we can duck this issue today. Yes, if we set spending targets which are different, which are larger than is proposed, we have an issue. We have a problem, a problem we need to solve. How do we pay for those? But to say we need not make the decision today is false. We have to make the decision today. I shall be supporting this spending - this worthwhile spending - accepting that this gives us a problem when we come to looking at the budget as to how we raise that money. This is a worthwhile target and it should be supported but do not pretend that we can duck this decision today; support it.

4.1.21 Connétable M.K. Jackson of St. Brelade:

I support all that those who have spoken in favour of this amendment say. Clearly, we want urban regeneration. Several of the parishes have urban conurbations and they could all do with some sort of input but it is all down to money. I think that Members will realise that the Council of Ministers had to go through this turgid prioritisation process during their term in office and it really is a juggling act and I do not think any of us have wanted to drop the various items that have been cut out of the present proposals. I think in practical terms sometimes, having listened to the debate so far, I think it would have been far better applying us to discussing the items which we would be dropping to pay for this particular concept. We almost seem to be going around it the wrong way. I have heard very little in the terms of offering from Members as to which other projects will be cut to pay for this and that is really perhaps what I would like to ask the Deputy of St. Mary to suggest in his summing-up as to where he feels that alternative cuts could be made to fund this proposal. Thank you.

The Bailiff:

Does any other Member wish to speak?

4.1.22 Senator F.E. Cohen:

Urban regeneration in the town is an absolute priority and as has been shown by Broad Street and York Street, some small investment can significantly act as a catalyst for building improvements. However, the current proposal contained within the North Town Masterplan and through the Island Plan is that planning obligation agreements will deliver cash for urban regeneration funding. If in the unlikely event planning obligation agreements prove unable to deliver the necessary funding,

there will be plenty of opportunity in the future to reconsider funding options. But I do urge Members in the meantime to consider planning obligation agreements as the priority source of funding for urban regeneration. Thank you.

The Bailiff:

Does any other Member wish to speak? Very well, I call upon the Deputy of St. Mary to reply.

4.1.23 The Deputy of St. Mary:

I thank all those who spoke, I think that was a useful debate. I want to start by emphasising what I think is the key point to come out of a lot of people's contributions, and that is commitment. This debate is really about our commitment to our urban areas and to our community and to the people who use them. I did say "urban areas" in the second sentence of my speech and I say it again, naturally urban areas, and that does include St. Helier, St. Saviour and St. Clement for the avoidance of doubt. I think the Constable of St. Saviour hit the nail on the head when he talked about the need for long-term gradual process and that is indeed why I am bringing the amendment. I know the Constable of St. Helier managed to do a sort of deal to get the 2010 projects that were being thought about funded through the fiscal stimulus package but this is not about that. This is about indicating, this is about a message, this is about going forward in a steady and practical way. A number of people have talked about planning obligations and waiting: waiting for the Island Plan, waiting for planning obligations. One time we were waiting for the Esplanade Quarter to deliver lots of money for the town. I have 3 problems at least with planning obligations being used in this way. The first is, I am uneasy about developers somehow being in some kind of auction so the more that they offer or contribute in planning obligations terms that there is some kind of benefit then for them, and I am just uneasy about that relationship. The second problem I have with planning obligations is one that another Member mentioned in his or her speech - I cannot remember who, I am sorry - that the States has to put its money where its mouth is. The States has to lead on this. It may have been the Constable, he is nodding. We cannot rely on the developers to do this for us. We have to show that we, too, think it matters; then we can lean on them and say: "You are going to join in too, are you not?" The third problem I have with this: "Wait, wait for planning obligations" is the same issue here as we had with: "We will wait for environmental taxes and then we will take out the hazardous waste from Bellozanne." I am sorry, we voted then to take that waste out because it was a core commitment. I believe, as the Minister for Planning and Environment has just said, this is a core commitment. As the Deputy of Trinity said this is a "nice to have." Well, I am sorry, we can always say that if somebody is going to die tomorrow we have to find the money and if it is about improving people's quality of life over years, we do not find the money. I am sorry, that is a false dichotomy. We do have to think in positive terms about quality of life as well as about avoiding harm. So that is what I would like to say about planning obligations. Now, the Chief Minister and the Minister for Treasury and Resources are both in favour of this amendment. Well, they are not, but they are in favour of urban regeneration. Urban regeneration. They clearly understand the importance of it and many Members have stressed the importance of what this amendment is about. The value is indeed self-evident and I think Deputy Fox pointed to Europe and pointed out that all over Europe this kind of steady progress in the public realm is happening. They do invest, they accept that investment in the public realm pays dividends. One little example is the Branchage Festival. The nerve centre of that festival is a public space that was created with public money on the waterfront, the place that Spiegel tent is, and how it kind of gathers the energy and allows that festival to happen, a festival, by the way, which is growing in leaps and bounds and will bring back, as somebody else pointed out in this debate, the talents to the Master. So you can see in that sense, in that open area there on the waterfront, we are reaping the dividends directly and I am so glad that that festival has taken advantage of that space. Of course, when the festival is not there people are playing petanque. It is just an addition to the options to the facilities in our town. Several people mentioned funding. The Deputy of St. John, the Deputy of Trinity talked about other things we could spend the money on. Well, yes, we could

spend the money on mains drains or bus service and so on. The point is - and in fact the Deputy of St. John said this and I quote him: "Loads of areas we need to spend money on" - there are, I am afraid, loads of areas that we need to spend money on and we are now correcting a historic under-spend in many areas. This is a fact and it is going to exercise our minds over the next few years. But that is not what we are really talking about today. It is about restoring a small, modest amount of funding, and it is restoring and it is a relatively small amount of funding. Deputy Duhamel asked me to nominate the projects that we should be spending this on. That is absurd. I would not be on the Urban Regeneration Committee or there would be a body doing this. There was an Urban Regeneration Panel or Committee and they worked on the projects, chose them and so on, and because they had the money there, they could plan ahead, they could roll up a couple of years' funding, they could do projects like Broad Street. It is absurd to suggest that in a vote of this kind - which is an indicative vote for a rolling programme - that there be specific projects in mind and I hope the Deputy can see that that is a slightly odd way to criticise this particular amendment. So can I just commend this to the House. As Deputy Martin rightly pointed out, we are talking about an extra 3,000 units at least going into St. Helier and we are suggesting that we cannot find the price of a modest house to do something about improving the facilities for those people, the people who live there already, the people who work there and the people who visit St. Helier, we cannot find the price of this house each year on an ongoing basis. It is a modest amount, it is a message we are sending about the value we put on our urban areas. It is not just the countryside, it is the town as well, and I move the amendment.

The Bailiff:

The appel is called for then in relation to the amendment proposed by the Deputy of St. Mary. I invite Members to return to their seats and the Greffier will open the voting. Have all Members had an opportunity of voting? The Greffier will close the voting. The amendment is lost: 19 votes pour, 27 votes contre. Yes, the 19 votes pour.

The Deputy Greffier of the States:

The 19 Members voting pour: Senator Breckon; Connétables of St. Helier, St. Saviour and St. Lawrence; Deputies of St. Martin, Fox, Martin, Southern, Grouville, Hilton, Le Claire, Tadier, St. Mary, Trevor Pitman, Vallois, Higgins, Green, De Sousa and Maçon.

The Connétable of St. Helier:

Sorry, could I trouble the Greffier for those who voted against the amendment?

The Bailiff:

Yes.

The Deputy Greffier of the States:

Those Members voting contre: Senators Le Sueur, Ozouf, Cohen, Perchard, Ferguson, Maclean, Le Marquand; the Connétables of St. Ouen, Trinity, St. Brelade, St. Martin, St. John, St. Peter and St. Mary; Deputies Duhamel, Le Hérissier, St. Ouen, St. Peter, Le Fondré, Trinity, Power, Lewis, Gorst, St. John, Jeune, Dupré and Noel.

[INSERT VOTE TABLE]

POUR: 19		CONTRE: 27		ABSTAIN: 0
Senator A. Breckon		Senator T.A. Le Sueur		
Connétable of St. Helier		Senator P.F.C. Ozouf		
Connétable of St. Saviour		Senator F.E. Cohen		
Connétable of St. Lawrence		Senator J.L. Perchard		
Deputy of St. Martin		Senator S.C. Ferguson		
Deputy J.B. Fox (H)		Senator A.J.D. Maclean		

Deputy J.A. Martin (H)		Senator B.I. Le Marquand		
Deputy G.P. Southern (H)		Connétable of St. Ouen		
Deputy of Grouville		Connétable of Trinity		
Deputy J.A. Hilton (H)		Connétable of St. Brelade		
Deputy P.V.F. Le Claire (H)		Connétable of St. Martin		
Deputy M. Tadier (B)		Connétable of St. John		
Deputy of St. Mary		Connétable of St. Peter		
Deputy T.M. Pitman (H)		Connétable of St. Mary		
Deputy T.A. Vallois (S)		Deputy R.C. Duhamel (S)		
Deputy M.R. Higgins (H)		Deputy R.G. Le Hérisier (S)		
Deputy A.K.F. Green (H)		Deputy of St. Ouen		
Deputy D. De Sousa (H)		Deputy of St. Peter		
Deputy J.M. Maçon (S)		Deputy J.A.N. Le Fondré (L)		
		Deputy of Trinity		
		Deputy S.S.P.A. Power (B)		
		Deputy K.C. Lewis (S)		
		Deputy I.J. Gorst (C)		
		Deputy of St. John		
		Deputy A.E. Jeune (B)		
		Deputy A.T. Dupré (C)		
		Deputy E.J. Noel (L)		

5. Draft Annual Business Plan 2010 (P.117/2009): seventeenth amendment (P.117/2009 (Amd. 17)) (paragraph 9)

The Bailiff:

Then we move next to paragraph 9 of the seventeenth amendment lodged also by the Deputy of St. Mary and I will ask the Greffier to read the amendment.

The Deputy Greffier of the States:

On page 3, paragraph (f) after the words “within the total amounts” insert the words “or funded by additional revenue.”

Senator T.A. Le Sueur:

Although in our comments we said we oppose this part of the amendment, in reality the amendment is really a matter of semantics and I think the time of Members might be more usefully employed if, for the sake of simplicity, we were to accept this amendment and indeed the next one.

The Bailiff:

Thank you, Chief Minister. Very well, so, Deputy.

5.1. The Deputy of St. Mary:

Yes, I will just explain what the amendment seeks to do and then that is it really, is it not? The reason I put this amendment was that on the face of it we were going to vote for net revenue expenditure and it could only happen if there was corresponding savings. Of course, this is absurd as we have seen in the debate a fortnight ago; we found £5 million for pandemic flu and £1 million extra for Health with no corresponding savings. So we would not have been able to do those things if my amendment was not there because, as it stands, we are not allowed to do that. So rather than it being a matter of semantics, it is quite an important matter as it reads now: “Any additional growth in the total net revenue expenditure of a States funded body has to be offset by compensatory savings elsewhere within the total amounts” and we are seeing that that cannot be maintained. Of course, it is absurd, there is another alternative. The document on page 53 mentions that other alternative, specifies it, that obviously another alternative is that of additional income which is what I am adding in this amendment. I propose the amendment.

The Bailiff:

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

5.1.1 Senator T.A. Le Sueur:

Just to expand on what I was saying earlier, our process at the moment may not be the right process but it is the process that we have adopted and that is agreeing expenditure at this stage and agreeing revenue measures at the time of the budget. I think there is a danger - which is why the Council of Ministers originally opposed this amendment - that we blur that distinction between revenue and spending. The reality is, as the Deputy of St. Mary rightly says, that increases in spending do have to be funded from somewhere. We accept the reality of that and for that reason I am happy to accept this amendment.

The Bailiff:

Does any other Member wish to speak? No? Do you wish to reply, Deputy of St. Mary?

5.1.2 The Deputy of St. Mary:

No, thank you. I move the amendment.

The Bailiff:

Very well, all those in favour of adopting the amendment, kindly show. [Interruption] Yes, the appel is called for then in relation to paragraph 9 of the seventeenth amendment of the Deputy of St. Mary. I will ask the Members to return to their seats and the Greffier will open the voting. Have all Members had an opportunity of voting? The Greffier will close the voting. The amendment is adopted: 41 votes pour and 1 vote contre.

The Deputy Greffier of the States:

The Member voting contre is Senator Ferguson. [INSERT VOTE TABLE]

POUR: 41		CONTRE: 1		ABSTAIN: 0
Senator T.A. Le Sueur		Senator S.C. Ferguson		
Senator P.F.C. Ozouf				
Senator F.E. Cohen				
Senator J.L. Perchard				
Senator A. Breckon				
Senator A.J.D. Maclean				
Senator B.I. Le Marquand				
Connétable of St. Ouen				
Connétable of Trinity				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
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.S.P.A. Power (B)				
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 A.T. Dupré (C)				
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)				

6. Draft Annual Business Plan 2010 (P.117/2009): seventeenth amendment (P.117/2009 (Amd. 17)) (paragraph 10)

The Bailiff:

Then we come next to paragraph 10 of the seventeenth amendment lodged by the Deputy of St. Mary and I will ask the Greffier to read the amendment.

The Deputy Greffier of the States:

On page 3, paragraph (f) after the words “within the total amounts” insert the words “and with any additional growth in the total programme of capital projects for the States funded bodies for 2011 to 2014 being funded by additional revenue or borrowing.”

The Bailiff:

You have confirmed, Chief Minister, you are going to accept this one too?

Senator T.A. Le Sueur:

That is correct, Sir.

6.1 The Deputy of St. Mary:

Yes, this is just to add the notion of borrowing and of course extra income into the capital programme as well. It seems commonsense that one has those 2 options available to us going forward with the capital programme as well as for the revenue programme. So I thank the Council of Ministers for accepting this and I move the amendment.

The Bailiff:

Is the amendment seconded? [Seconded] Does any Member wish to speak? All those in favour of adopting the amendment, kindly show. The appel is called for then in relation to paragraph 10 of the Deputy of St. Mary’s seventeenth amendment. I invite Members to return to their seats and the Greffier will open the voting. Have all Members had an opportunity of voting? The Greffier will close the voting. The amendment is adopted: 39 votes pour; 4 votes contre. [INSERT VOTE TABLE]

POUR: 39		CONTRE: 4		ABSTAIN: 0
Senator T.A. Le Sueur		Connétable of St. Mary		
Senator P.F.C. Ozouf		Deputy P.V.F. Le Claire (H)		
Senator F.E. Cohen		Deputy J.A.N. Le Fondré (L)		
Senator J.L. Perchard		Deputy of St. John		

Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.D. Maclean				
Senator B.I. Le Marquand				
Connétable of St. Ouen				
Connétable of Trinity				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Peter				
Connétable of St. Lawrence				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D. De Sousa (H)				
Deputy J.M. Maçon (S)				

7. Draft Annual Business Plan 2010 (P.117/2009): paragraph (f) - as amended

The Bailiff:

That concludes then the amendments to paragraph (f), so then we return to paragraph (f), as amended. Does any Member wish to speak on paragraph (f), as amended? Very well, all those in favour of adopting paragraph ... [Interruption]. But nobody said anything on the debate. Normally one does not reply when nobody said anything but of course if you wish to you can.

7.1 Senator P.F.C. Ozouf:

The debate is clearly wrapped up but I express some surprise that Members do want to speak on the micro but they do not want to speak on the macro, in other words, the fiscal envelope that is put available to States Members. I just express surprise that it is the problem of the Minister for Treasury and Resources Minister that Members want to talk about the individual projects but not the overall challenges of States spending. I will say to Members in conclusion that they will have to reconcile these issues as I announce in the next few weeks the arrangements that we are going to put forward for the Comprehensive Spending Review, and while we do not have anything like the scale of challenges perhaps the U.K. or places like Cayman do, we do have problems and Members have to face up to those. I am sorry to have to say that but this is the place to say these things.

The Bailiff:

All those in favour of adopting paragraph (f), as amended, kindly show. The appel is called for then in relation to paragraph (f). I invite Members to return to their seats and the Greffier will open the voting. Have all Members had an opportunity of voting? The Greffier will close the voting. Paragraph (f) [as amended] is adopted: 35 votes pour, 7 votes contre and one abstention.

Senator S.C. Ferguson:

Could we have the 7 Members voting contre, please?

The Bailiff:

Yes. Greffier.

The Deputy Greffier of the States:

The 7 Members voting contre: Connétables of St. Peter, St. Lawrence and St. Mary; Deputies of St. John, St. Mary, Green and Maçon and Deputy Tadier abstained. [INSERT VOTE TABLE]

POUR: 35		CONTRE: 7		ABSTAIN: 1
Senator T.A. Le Sueur		Connétable of St. Peter		Deputy M. Tadier (B)
Senator P.F.C. Ozouf		Connétable of St. Lawrence		
Senator F.E. Cohen		Connétable of St. Mary		
Senator J.L. Perchard		Deputy of St. John		
Senator A. Breckon		Deputy of St. Mary		
Senator S.C. Ferguson		Deputy A.K.F. Green (H)		
Senator A.J.D. Maclean		Deputy J.M. Maçon (S)		
Senator B.I. Le Marquand				
Connétable of St. Ouen				
Connétable of Trinity				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Saviour				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisssier (S)				
Deputy J.B. Fox (H)				
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.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy A.E. Jeune (B)				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy D. De Sousa (H)				

8. Draft Annual Business Plan 2010 (P.117/2009): paragraph (g)

The Bailiff:

So now we come to paragraph (g) of the main proposition and I will ask the Greffier to read paragraph (g).

The Deputy Greffier of the States:

Paragraph (g) to approve the sale of the properties as detailed in the schedule for disposal in Part 3 of the report Summary Table J, pages 103 to 104 of the report, which have been recommended by Jersey Property Holdings to the Minister for Treasury and Resources and accepted by the Minister for disposal in 2010 and thereafter.

The Bailiff:

You are doing this, Senator Ozouf?

8.1 Senator P.F.C. Ozouf (The Minister for Treasury and Resources):

This is the last part of the proposal that the Minister for Treasury and Resources is proposing. The Property Plan brings forward proposals in relation to States property assets. Section 8 of the plan provides a comprehensive account of the progress made by Property Holdings in delivering its key initiatives, including the contribution Property makes to revenue savings and capital receipts. This part of the proposition deals with the approval of the plan, in particular of properties for disposal in 2010 and beyond. The Schedule of Properties is shown on Table J, page 103 of the Business Plan and on page 232 of the Annex where there are maps of all of the individual properties that are proposed for sale. The States has already approved Parts D and F and therefore has approved funding of capital projects for the next 5 years. I should say at this point that this includes a requirement of £4 million to be delivered from capital receipts from disposal of States assets, and I think we have already had the debate about what the link is between this year's disposals and others but of course there is a link in ongoing disposals that is going to affect that. There are a number of amendments and I move the proposition.

The Bailiff:

Is paragraph (g) seconded? [Seconded] Very well, then as Senator Ozouf says, there are a number of amendments.

9. Draft Annual Business Plan 2010 (P.117/2009): second amendment (P.117/2009 (Amd. 2))

The Bailiff:

The first one is amendment number 2 lodged by Senator Breckon and I will ask the Greffier to read that amendment.

The Deputy Greffier of the States:

Page 3, paragraph (g), after the words "accepted by the Minister for disposal in 2010 and thereafter" insert the words "except that for the undermentioned sites, a condition of sale should be included that developers will be required to provide social rented, first-time buyer homes and/or lifetime homes at no cost to the public purse in return for a reduced price for the sites (i) Le Coin Site, Ann Street, St. Helier; (ii) Pine Ridge, West Hill, St. Helier; (iii) 46, Rouge Bouillon, St. Helier; (iv) D'Hautrée Site, St. Saviour's Hill, St. Saviour; (v) South Hill, States Offices, St. Helier; (vi) Field S107, La Route De Maufant, St. Saviour.

The Bailiff:

Chief Minister, can you help on whether you will be accepting this one or not?

Senator T.A. Le Sueur:

I can help by saying we will not be.

The Bailiff:

You will not be? Very well, Senator Breckon.

9.1 Senator A. Breckon:

I have handed out 3 pages to Members and I want to refer to that in a moment or 2. But first of all I want to ask Members perhaps to ask themselves: "How do we handle property sales?" and you will not have to look very hard to find some, what may be considered, anomalies in the pieces of paper that you have. The other question on the front page of that from the Minister for Housing Minister is perhaps we should ask ourselves: "Do we need affordable social housing?" Members should look at the front page and perhaps ask themselves that question. Then we should maybe ask another question. We have heard the Minister for Treasury Minister and Resources and others talk about financial difficulties, how then do we create it? How do we do that? That is, I think, the 3 key questions for me there. In the shortened version of the Business Plan, I would just like to refer for a moment to the Sunshine Hotel because I think this is an example of how not to do it.

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

Can I just point out Sunshine Hotel has been withdrawn from the list of proposals that were proposed on page 235.

Senator A. Breckon:

I know what the Deputy is saying. I am using it as an example of incompetence. Of incompetence. It says: "The Sunshine Hotel was purchased in 1999 for redevelopment as social rental housing but not pursued beyond feasibility stage. Tendered for sale in 2006 but subsequently withdrawn, presently for sale for tender following a decision by the Treasury Assistant Minister [who has just made that untimely interruption]. The sites are no longer required by the Housing Department and there is no other States requirement for the land. The sites are in a residential area and are deemed suitable for private sector development." Well the question is ... this is exactly the right area to develop, say, one-bedroom flats for people who do not have a great deal of mobility. There are shops there, there is a paper shop, it is quite close to the coast, Havre des Pas, so the question is: why are we selling it? That is the nub of this proposition: why are we selling certain properties when we could get housing gain at little or no cost? So that is the essence of where I am coming from on this. If we think - Senator Ozouf was at Planning and Environment at the time - when we had the absolute mess with the Girls' College about what was going to happen. I think the Minister for Treasury and Resources Minister at the time was Senator Le Sueur and in the end we were going to do something and I think it was Deputy Duhamel made an intervention; this House debated something that stopped it. That is where we were with the Girls' College. Where are we now? I have not a clue. I have not a clue. But that is an asset that is wasting away. What are we doing? That is why I have some concern about what we are doing to sell property. Another one, the Mascot Motors' site down at Georgetown, again, there was a swap there for good reasons and I believe that it is being sold or it has been sold. We could have had a housing gain again at little or no cost and that is, again, to repeat, the essence of where I am coming from. Why are we doing this? I think we should ask this: why are we selling things - and I want to come to the comments in a moment or 2 - and what priority is it? Is it about housing people in affordable housing or just sell something and we will get some money? If we look at what is proposed within, I think, the 15 days - I am not sure if the 15 days are up on the Sunshine from 23rd September until today; shoes and socks off but I do not think so - but somebody straight away, we have been there for nearly 10 years, and within 10 days has got an application in. Is that suitable for the housing need that the Minister has identified? What he has said in there is: "If we had sufficient suitable one-bedroom properties to move applicants to we could in turn release the following units: 2-beds; 64 and 3-beds; 36." So the question is: should we not utilise the sites we have to do exactly that; to free up the housing thing to make the situation better? In the U.K. this is a common practice where a local authority has a property or a land bank, they will work with a developer, the developer will use

their own money, there will be a minimum site cost and the gain will be properties on a turnkey basis. We do not get involved in anything: with drawings, with finance, nothing at all, we just strike the deal and surely we must have people capable of doing that. When some of the sites I have mentioned, if you think of the benefit of South Hill perhaps for elderly housing or whatever else, there is a clue in the Le Coin site which is in Ann Street on the corner. What it is saying there on page 103: "Le Coin is part of the Ann Court purchase in 1952, formerly a 4-story block containing 6 flats, demolished in 2007 and used as temporary car parking since 2008. The site is no longer required by the public and there is no other States requirement for the land. The site is in a residential area and is deemed suitable for redevelopment. Jersey Property Holdings have been approached by a developer in relation to a proposed joint venture for the redevelopment of Wesley Chapel and Le Coin site." So there we have a ready-made situation where there is an adjacent property - if we think of the Le Brocq clause in the planning thing - where there is an added value if you put 2 things together then we have a ready-made deal waiting to be done. Somebody else can do it, somebody can use their money and initiative and we can get a gain out of that which is right in a residential area close to town where people might not need cars and it creates some of the housing that the Minister, through the department, is saying they badly need. So the question is: why are we selling it? Why are we not doing that very deal? I think what I have said in general terms summarises the idea, and some of the comments of the Council of Ministers are disappointing. I say that because sometimes you need to think outside the box and do something a little bit different. They have made things in there ... for example, they say: "An emerging Island Plan policy is in train, which will require affordable housing from all residential schemes." What is affordable housing? We already have a situation with the Goose Green Marsh where the houses have not been sold, people cannot afford them, we have lots of people who cannot afford the rent, what is affordable housing? That has not been defined. It also talks in the comments about my amendment: "The amendment, as presented, infers that 100 per cent of the development would be returned at no cost." Well I do not say that at all. It is a scheme where the developer would get something and we would get something in return for the land asset that we are handing over. The Council of Ministers also say: "The amendment does not consider whether the proposals should be 'one off' in respect of these properties only or would apply to future disposals." Well I seriously hope that the Council of Ministers and others will consider that it does become policy and is really considered on future disposals because there is a considerable gain for the public housing stock. I would ask Members to ask themselves when were the last houses or flats we built for social rental? It is not an easy question because you will have to think very hard to when that was. The Assistant Minister for Housing might be able to assist there. The comments also say: "The amendment would, however, have the impact of weakening the States balance sheet and, as a consequence, reduce the level of funding available for investment into the States capital programme." Well, that is absolute rubbish because what it would mean is we would not need to spend so much capital on housing because we have got the gain from somewhere else. Not long ago, we had these young Turks, thrusting people, who were going to be in here who were looking at expenditure, doing things differently. I do not know what happened; they were on the boil but they are not with it any more. These are the sort of things that we should be thinking for the future because it will reduce our capital expenditure, we will get a considerable gain, it will decrease Housing's spend because they will not need to spend it if we have created it somewhere else. There is a cost but there is a balance and I would say there is a considerable benefit. I think what Members should do with this is not listen to the Council of Ministers because they have not grasped this at all. They are not with it at all. At all. We should apply commonsense. What would you do if it was your own? Would you give somebody all the gain? We have seen what is proposed for the Sunshine Hotel, is that what we want as a government? Somebody is going to live there but it is not a target that Housing is saying in their figures. I do not want to go in detail site by site but what I think it should be - the Deputy of Trinity mentioned before the Overdale site - think of the tremendous gain we could get if we did a deal with somebody on that site for sheltered housing, for lifetime homes, whatever it may be. There are other sites as well where I think we should be doing and could be doing the very

same thing. So that is where this is from. It is a fairly significant amendment to the disposal of properties. The other thing is there are some consistencies in there because the other one there which I have not mentioned in disposal of properties, the Old Blacksmith's Store, not long ago another lease was signed for 2010 and it is in there. So I think this is a bit ducks and drakes with some of this and something is put in there to realise capital, but I would say there is another way of doing it and I think for me this is a positive way. I hope Members will support it because there is a significant benefit for us, for the public, we are not using our own money, we would get a gain and I think it would wash its own face. I am proposing the amendment, thank you.

The Bailiff:

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

9.1.1 Senator P.F.C. Ozouf:

Without doubt one of the biggest challenges that this Assembly faces is delivering affordable homes. In the past, and in past Business Plans before they were called Business Plans, the Assembly has spent millions of pounds buying commercial sites and then converting them into social housing sites. I think of Le Coie HallHotel, the developments next to the Howard Davis Park. I think that today, thinking about those purchases and thinking of an Assembly that would be asked by the Minister for Treasury and Resources Minister to buy commercial sites in town and convert them into social rented housing, we would think that the debate has moved on because we have made significant progress in recent years of the delivery of social rented units and first-time buyer units and now shared equity units with the use of the planning system. Senator Breckon has never been, I think, a fan of housing trusts, but I think he maybe does not agree, or maybe forgets, that there have been 800 units of social rented housing delivered on housing trusts. There have been hundreds of units of first-time buyer units created with the application of much more thoughtful obligations in terms of onwards sales, et cetera et cetera. We have to do a great deal more on the whole issue of affordable homes. That debate is going to happen in the context of the Island Plan debate where, for the first time, there is going to be a planning obligation on all, I hope, residential and commercial sites over, say, 5 units of accommodation to deliver affordable homes. That is the precedent that is established in other places. It has been successful in delivering key worker accommodation, social rented accommodation, shared equity accommodation in inner parts of London and other cities up and down the United Kingdom and elsewhere. That is the part that identifies the point that there is a debate to be had about the provision of affordable homes and it is in a planning context that we should have it. I do not think the Assembly at all - and I do not want to be impertinent to Senator Breckon - but we are being asked to make a decision, a casual decision almost, in relation to a fairly nondescript amendment with millions of pounds of financial consequence of States property without any of the detail. It is quite clear that if the Assembly approves an Island Plan proposal to put planning obligation on all commercial sites, then that is going to have to be applied to by States properties too. But, importantly, it will be potentially, I think, a tradable requirement whereby the States can also have discussions with the Planning Department of where exactly those units should be developed, not necessarily on the specific sites. It is the objective that we need to apply our minds to; not simply a site by site allocation and a woolly proposal to put a social rented or first-time buyer amendment on the sale proposals for each of these individual sales. If the Senator has wanted to catalyse a debate about the need for affordable homes and the need for States property to play its part in delivering affordable homes then he has done it, but really I do not believe the Assembly can agree a policy which is so vague, so, I am afraid, generic with such a brutal financial consequence to the States that it should be effected. He says in his proposal that there are no financial consequences. He does not use precisely the words "financial consequences" but he says that it will be delivered at zero cost. I am afraid Senator Breckon has been in this Assembly long enough to know that of course there is a cost - and there will be a significant cost - like there will be for all landlords in putting a planning obligation to deliver affordable homes because that is how affordable homes are delivered: by a

decrease in land value. The Assembly, in going forward by applying the Island Plan proposals for shared delivery of affordable homes on all planning applications and States property, is going to have to be linked and is also going to have to suffer a decrease in value. But now is not the time just to simply put a generic application or condition on all these sales; that debate is the right debate in the Island Plan and I urge Members really to get on with this debate so that we can discuss the Island Plan and consult on the Island Plan in the next few months.

9.1.2 Deputy S. Power of St. Brelade:

I would like to respond briefly to Senator Breckon's speech. All Members have a copy of an extract of an email that an officer of the Housing Department sent to the Minister for Housing Minister on 23rd September and it lists the need that the Housing Department has at the moment: 313 one-bedroom units of accommodation; 248 2-bedroom and 103 3-bedroom. Now irrespective of the comments that Senator Breckon made about one site that has been withdrawn, which is the Sunshine Hotel site, I would like to just give Members an idea as to what the Housing Department is doing and that is ...

The Deputy of St. Mary:

Can I ask for clarification on that Sunshine site because I am puzzled about it? There is a ministerial decision that we have been sent saying that it has been sold, or it is being sold within a few days, and you are saying it has been withdrawn from what we are talking about.

Deputy S. Power:

If the Deputy looks at page 235 of the Annex it says it has been removed from the list, so that is where we are at the moment. I am not dealing with the Sunshine Hotel site because it is not a site that the Housing Department ever really had. It was looked at, a scheme was worked up, but for a number of reasons before my time, it was withdrawn. But I want to move on and identify to Members what the Housing Department is doing, and then I want to give you a little bit of history of the Housing Department, where it was and the position it was put in by this Assembly. At the moment we have a site at Ann Court and that site, to a large extent, is being cleared at the moment because there were structural failings in the development even though it was built in the late 1960s and early 1970s. The reason it was demolished is because part of the site was piled and part of the site was not piled. The buildings that were not piled were moving and they had large structural cracks running from the foundations up through the elevations on the buildings and it was deemed that the remedial works to those flats would be greater than the cost of redeveloping the site, and that is what we are hoping to do as a department. It depends very much, again, as to what this Assembly decides to do with that site in the future, but one of the reasons we have waiting lists is because we have had to decamp a large number of people from that site to other parts of St. Helier and the Island. So we are hoping that the Housing Department will retain Ann Court and redevelop that site for 80 to 90 units of accommodation, flats, 2-bedrooms mostly. The Housing Department is also redeveloping Le Squez, and Senator Breckon posed the question of how many new units of accommodation has the Housing Department produced in the recent past and the answer is quite a number at Le Squez and Le Marais as a result of demolishing accommodation that was not fit for purpose. A large number of units of accommodation have also been provided for the Island through the trusts. Even though the Housing Department did not have a say in that, the trusts have produced a lot of accommodation in the last few years and I identify immediately the Le Coie Hotel site, Hodge 2 and areas like that behind Le Marais. So, new housing has been provided, social rented housing. There is also a site at St. Brelade which is close to my heart and it is called the La Sergente site. I brought an amendment to the Business Plan 3 years ago to develop that site for 2-bedroom flats and it appears to be that that site has been log-jammed for the best part of 2 years in a toing and froing session between Property Holdings and the Planning Department, and I do not attach any blame to Property Holdings or the Planning Department. I probably would blame myself for not losing my temper 2 years ago but that might not have achieved anything at the

moment. The plan at La Sergente is for somewhere in the region of 102 2-bedroom flats: 55 2-bedroom flats to be sold privately and another 45 that will be social rented. So, if I were to add all those sites I have just referred to: Ann Court, Le Squez and La Sergente, we are creating over 300 units of accommodation which we would like to get on and do as fast as possible, but at the moment I feel extremely frustrated that every time we seem to break through and a site comes up for approval, or we can send something to the Planning Department, there is another roadblock put in place. The roadblocks have not been put in place by the public; the roadblocks are put in place by the system. I want to deal briefly with an inference that perhaps the Housing Department does not do enough. I chaired a Scrutiny Sub-Panel for 2 years and that Sub-Panel was composed of myself, Senator Breckon (Deputy Breckon at the time), Deputy Le Hérissier and the Constables of St. Martin and St. John. We analysed the sell-off of social rented housing 2 years ago and we identified one major problem at the time and that problem exists, and has existed, since 1992 and that is that the Housing Department does not have access to its own rent and that is the elephant in the room. Until such time as this Assembly asks the Housing Department to operate with one arm behind its back and try to maintain somewhere in the region of £900 million worth of property with an excess access rent of £9 or £10 million out of its normal rental of 35, the answer to that is it is mission impossible. The Housing Department can simply not maintain its stock of housing unless it sells some of its property. Now, whether you agree with that or whether you disagree with that, that is the only option that was left to the Housing Department at the time. When we wrote our report we were very sceptical that this would be successful, that this Assembly approved the sell off of social rented housing and we are where we are. A number of other decisions have been made by this Assembly, which again has compromised the Housing Department. Senator Breckon posed an excellent question a little time ago in his speech where he identified the problem; that is that no new social rented housing or first-time buyer or affordable housing is being prepared. Yet a number of decisions by the States were made over the last 18 years which gave an enormous amount of financial assistance and to the trusts. I will give you one example, which is Le Coie Hotel site, which was designed by the Housing Department, project managed by the Housing Department, delivered by the Housing Department, and handed over to a trust for £9-£10 million less than the development cost of that site. So do not blame the Housing Department for everything that goes on on this Island, which are affordable housing, the lack of it, or social rented housing. It is this Assembly that has made all these decisions that has compromised the Housing Department. I want to see, as much as any other Member in this Assembly, affordable housing on this Island. This year alone we managed to do a deal with the developer, Dandara. We purchased 46 houses from them at a ballpark figure in the region of £260,000; 43 of those 46 homes are now occupied with 3 that were supposed to go through court last week; they did not go to court because I think we were waiting for a Ministerial decision, but they hope to go through this week. That is another problem that the Housing Department cannot make its own decisions; it has to come back all the time to another department, which is Property Holdings.

Deputy A.E. Jeune of St. Brelade:

Excuse me, if the Deputy would give way?

Deputy S. Power:

If I must.

Deputy A.E. Jeune:

Just on a point of clarity; while he is speaking would the Assistant Minister for Housing just confirm that perhaps one of the reasons we have an increase in demand is due to the reduction in the number of years residency required before you can put your name on the list now. Thank you.

Deputy S. Power:

If the Deputy is referring to the qualification period being reduced, it has had some effect, but I would say it has not had a huge effect; it has had a little effect. So, the Housing Department would like to produce affordable housing. I remind Members, last year the proposition to produce affordable housing was a proposition produced by the Minister for Planning Minister and Environment that the Minister for Housing Minister had to deliver. It was up to the Minister for Housing Minister to make that happen. There are many things that the Housing Department would wish to do and on this amendment I simply would say to Members they have been very selective about one or 2 things. If you read the Council of Ministers' comments, a lot of these sites are not suitable for residential development, certainly not in the areas that Senator Breckon has identified and for that reason I will not be supporting it. I do say to Members that if we were allowed to get on and develop the 3 sites that I have identified we would probably eliminate our waiting list pretty quickly, but we would like to get on and do it. Thank you.

9.1.3 Deputy P.V.F. Le Claire:

Deputy Power, the Assistant Minister for Housing, said that out of the 3 sites he had identified it would sum up to 300 units or something. Out of the answers that the officers have circulated the need is identified in excess of 650 units. So, we are not really going to even get halfway to delivering the need. I have been in this Assembly for 10 years and I do not know - although I stand to be corrected - if I have ever deliberately voted against a proposition that was going to deliver houses to Jersey or to deliver affordable housing to Jersey, or to obstruct home ownership for first-time buyers. I am afraid it is not good enough for the Assistant Minister for Housing to stand up, who is in the Executive, and blame this Assembly for stopping Housing and the Minister for Housing Minister to achieve what it should have been achieving and what it should be achieving. If there is a blockage and if there are problems with the system, I accept that criticism. The vast majority of the system for over 6 years now has been in the hands of a very few elected members. Those very few elected members were pretty much in control of those committees prior to that changeover in the structure and they are predominantly in charge today. So, if the Minister for Housing Minister has not been able to argue his corner sufficiently enough to deliver housing, while at the same time reducing qualifications, which is only right and just and all of which I supported ... it was acknowledged in the 1995 Housing document that reducing the period of qualification would not occur until such time as they had addressed the actual housing need, specifically in relation to those with most needs. Now, we know for a fact that we need to keep ... and this is something I think people are missing. It is disappointing that the Minister for Health and Social Services Minister is not here to hear this, but at least 2 of her Assistant Ministers are. The need for us to keep people out of care homes and out of the hospital where they block beds and in the community where they can be looked after is a much better long-term proposal. I think generally speaking, although it has been described as woolly, at least it is strategic. The issue that Senator Breckon is bringing today is a strategic aim to deliver housing, affordable housing, and social need housing in areas where we know there is a need. I have always argued for selling up States property for those people that are occupying it that would like to own it and buy their own homes. I was not going to contribute to this debate, but I certainly will not sit here and take my part of the blame, unless somebody can show me something different in the States records, the States minutes, perhaps there is and I stand to be corrected, but I do not think there is or there ever was a time. Most Members have sat back here waiting and waiting and waiting and waiting and waiting while a drip-feed approach has been adopted by many Ministries and committees in relation to delivering affordable homes. Affordable home ownership in Jersey for those that do not already own their homes is pie in the sky. It is flat land now. The aspirations are flattened as well. So, we have to ask ourselves do we want to keep a part in social housing? Are we a responsible government? Yes, we are. So, do we want to look more effectively, holistically and strategically? Yes, we do. Senator Ozouf said: "This is not something we should be doing now piecemeal; it is something that we should be doing within the Island Plan." Okay then, throw the whole lot out then, park it until the Island Plan is ready. If that is the philosophy, that we cannot do this on these

sites because it is just not thought out well enough at this time - and that is the sort of stuff we should be doing in the Island Plan - then why are these properties coming forwards now? In actual reality, what is happening is they are coming forwards now in this small section to see whether or not there is an appetite among States Members to sell off States land, to sell off strategic land, and then thereby to downsize the office space that the States occupies. Perhaps we can look to the Member in charge of the Property Holdings to put on some opportunities for Members to engage to understand the office use in the near future; perhaps Property Holdings would put on some events for us so that we can all understand some of these offices are bigger than houses that we are occupying. There does need to be, I accept, a rationalisation of the office use within the States of Jersey. To accuse Senator Breckon of adopting a piecemeal approach and for the Assistant Minister for Housing accusing the States for getting in his way, I am sorry, and I am not trying to be negative, it is just not the case. Show me somewhere where I did not stand up to help and I will admit I was wrong. Show me an opportunity where I can stand up to help and I will be there. Show me an opportunity to push my button pour in favour of a proposition that assists home ownership in Jersey, I will push it, but the opportunity to push the button has not been there. For 10 years it has not been there because these same individuals that go to the community and blame us all are the ones that are not bringing the propositions. Bring the propositions and I will push the button.

9.1.4 Deputy J.A. Martin:

It is a pleasure to follow Deputy Le Claire. I mean, I was just having a word with the Deputy of St. Mary here because I know it is not feasible and we are on an amendment but I am so weary of this, that if this part of the Business Plan could be referred back I think it would be needed to. I will give you a few reasons. How long - and I never heard a word of it from the Assistant Minister for Housing - have we been waiting for the magical Whitehead Report that is going to incorporate housing trusts, going to bring the criteria together for entering first-time buyer homes and social renting? I was away, but I am told it is not a very favourable report, so it has been rewritten. I may be paraphrasing and maybe I am being cynical, but no, I want that report. Now, as for the Minister for Treasury Treasury and Resources saying that Senator Breckon's proposition is vague and: "How can you do this?" Vague? Was anyone in the House when we sold off many, many, many estates that we owned for £10 to housing trusts? Vague; on one side of A4, it was £10 and what a great deal we were going to get. It was never, ever, ever in the monies about the millions and millions of pounds in rent rebate that they would sustain over the next 25 years and the actual ... anything above 4 per cent, which we are still locked into - even the bank interest has dropped - but, no, we had a really good deal because we got locked into it on one side of vague A4. Now, they are running scared as well because when I read this, when I read Deputy Breckon's proposition, it says: "Except for the under-mentioned, a condition of sale should be included that developers will require." The Assistant Minister for Housing says: "Not many of these sites are even possible." Well, where are they not possible? You know, they are not possible. The Assistant Minister for Housing tells us we are stopping him getting on. We have made him, the department, reallocate the houses at Ann Court and they are not building. They reallocated the houses at Ann Court because their Minister rolled over and said: "We are having a 900-space car park there." Nothing to do with this House. Nothing to do with this House. I am very sorry; I will not take the blame for that. So, where is this vague? Comments: "Neither the amendment, nor the cover report, indicates a proportion or quantum of properties that are to be provided. The amendment refers to reduced prices." Well, how much work does the Council of Ministers want a Back-Bencher to do? Does he want them to rewrite the whole Whitehead Report that nobody has even seen? I really do not think so. The main point is what they are doing is exactly ... if you cannot read between the lines, the fear in their comments is: "If you do not let us sell them now, next year at full market price, we will lose some money for some planned capital projects. Forget the bigger picture. We can only sell them once. We want top dollar for them, but let us not worry about those who are in need of seriously social housing, first-time buyer and more help, because this will deliver." That is why

they want a quick sale and that is why they will ... they have absolutely fluffed. Deputy Breckon is saying it is "woolly". It is a Back-Bencher's amendment to the Business Plan. Woolly, I would say intendedly, because he cannot write the rules; he is just asking this House: "Look, we have properties here, we have from Housing." We need 600 social rented housing. We have got people dying in their flats that they cannot get out of because they have got no lift and they are not ground floor; 1-bedroom and 2-bedroom properties. I have got constituents, and I know all the other 10 Deputies have, and probably the country parishes. What has happened to the rezoned land? Now we have got another 300 out there somewhere being rezoned. We rezoned country land to have these first 300 built. None of it - I am sorry - adds up to me. I might be called a little bit over-suspicious when I hear that we cannot do this. I am appalled to hear it from the Assistant Minister for Housing. He has stood here and said today that we, this House, have stopped him or his department. There is a place here to say: "Look, let us get something back. It can be done." There might need to be some things that come back to the House, but I tell you now if we do not accept this amendment today Property Holdings will have these sites sold before you can ... and at a time when they will not even get top dollar for them because of the market. When do you sell your silver? When the price of it has gone down? No, you do not, but that is what they want to do. So, I am very, very sorry, all the vagueness ... we have passed vague things. We have housing trusts helping us out. We give a lot of money to housing trusts and me and my other 2 fellow Deputies are having a very big fight with one housing trust at the moment just to get little things done for their so-called tenants. That they have been given, as I said, it must come into the range of billions of pounds now. They own over 1,000 properties. They get the full rent rebate. We have even invited the Minister for Treasury Minister and Resources along and he cannot get the housing trusts to conform or even me. So, as I said, we got rid of all these properties. We thought we had found the answer in housing trusts. Even the Minister for Housing Minister now has said he will not deal with housing trusts any more because it is a long term. Every time, I will emphasise, when we brought up the rents ... and I am disappointed to hear today from the Assistant Minister for Housing because I was told under Income Support that Housing would be treated the same as trusts, whereas if they are getting the full rent so would Housing. It has been a question I have been asking for over 2 years and I have got the simple answer today. They get exactly now as what they got under rent abatement. It is an accountancy move. One Minister -, Social Security -, moves £35 million across, but actual money is £10 million, as we have heard today. I agree; what can you do with £10 million? Well, I will tell you what you can do; you should not have given it to all the housing trusts, especially if you cannot get the criteria. They have in there ... they have totally different criteria to the social housing waiting list. Why? Why should they? Where are the laws? I really think it cannot be done unless someone can tell me this part of selling off and selling off quickly today, that we have got to pass it and we are coming up with very, very silly reasons that Senator Breckon ... it is not acceptable. It really sends me running for the hills because there is something here that I ... there is no explanation why it cannot be done. The only explanation is vagueness. There is no vagueness. The Council of Ministers have got it in their hands to bring back plans to how it can be achieved. They do not want to do this; they want to sell it quickly. Do not forget; again, we are going to make the same mistake that Deputy Power has been talking about. A quick sale, sell the silver, sell it when nobody wants it anyway, so whoever gives you the best price, which will be a less price than you could get last year and definitely in a couple of years. For Housing, do not accept the amendment. I tell you, we will be exactly where we are today. We will be scraping around, as the Minister for Treasury and Resources Minister said, having to buy very, very high commercial price sites in the future. He shakes his head, but that is what we did. The Ritz site, the old Continental, what did we pay for them and what did we give them to the housing trusts for? The Continental site. It is really, really ... we have been there. You cannot defend it; we are still there. Housing trusts are getting all the money and the Housing Department are getting nothing. Thank you.

9.1.5 Deputy D.J. De Sousa:

Most of what I wanted to say has just been said by the last speaker. What I will touch on though is in the Strategic Plan the Council of Ministers brought a proposition to increase the population and if we continue to increase the population we are going to increase the number of people that are going to qualify, eventually; we are going to increase the pressures on housing. This is where it all stems from. I work with many, many people that have just qualified. They are living in unsatisfactory accommodation and they are just being told they have to wait, they have to wait, they have to wait for housing. I am sure the numbers are more than we have here as well. I cannot understand why the Assistant Minister is not backing this proposition. We need more housing. You have touched on Le Squez. A lot of that was flats there that housed several families. They are going to be housed into a lot of that accommodation you are building. Then you also have people on the list. These 300 homes that you are building are not enough, they will not be enough, and we should back this now.

9.1.6 The Connétable of St. Saviour:

I have a question for the proposer, I am a little surprised to find field 107 is included in this because to the best of my knowledge it is a field in the countryside and I really do not see why this is included as a site which should be included for residential. There certainly would be tremendous opposition from the parish should that go ahead.

The Bailiff:

Does any Member wish to speak? Deputy Le Fondré.

9.1.7 Deputy J.A.N. Le Fondré:

I am very glad to follow the last speaker because I think that is the difficulty; this proposition includes a number of sites which are not suitable for the principles that the Senator is proposing. Because it is my reading of it certainly that this policy is to be applied to all sites in question and the field in question is agricultural and, as far as I am concerned, it is intended to remain so. In fact, the annex makes reference to negotiating with the existing tenants and that would be on an existing-use basis, as far as I am concerned, and we would probably put in a no-development clause into it, just to make sure that in future things did not change. Equally, 46 Rouge Bouillon is a commercial site and I would not have thought that was particularly appropriate. So, that is, I think, why in the way the amendment is proposed it cannot be implemented it effectively. Yes, at the end of the day moneywise - and we have had the discussion about money, value and social responsibilities - this does have the potential to cost the taxpayer a significant sum. What I would like to do is address some of the points that have been raised; I shall try to do them as well as I can, but there have been some sort of side issues that have come through the debate. I have to say I tend to probably agree with Deputy Breckon in that Sunshine Hotel, which all happened well before my day, should have been evaluated when it was bought to find out why we were going down these lines because the cost on it has been horrific. That is the point is that to do a social rental scheme on there would have cost a shed-load of money, to put it simply. We have already had quite significant debates about the cost of the Le Coie Hotel site. Do we want to go down that line again? We have had to take a view. We have had the discussions with the Housing Department who have said: "The scheme does not stack up. We will cut our losses and walk away from it." That is what we are trying to do here. At the end of the day, it is still going for housing and in this instance, according to the email that Senator Breckon circulated, it is going for the townhouses and family-size houses. I would just make a couple of comments. The blacksmith site in ... the Connétable of St. Ouen, or I think of St. Brelade, it is on a very short-term lease basically pending sorting out any disposal. That is really just to keep it occupied; there would be little point in having it empty. I think there was an existing tenant in there. It is basically allowing that tenant to carry on until we have sorted out the disposal proceeds, as opposed to bringing somebody else in. The actual process on Sunshine Hotel, it has been a bit of juxtaposition of timing, I think. It was removed from the list of disposals for the Business Plan because there has now been ... there is

another process going alongside, which is basically under Standing Order 168. Essentially, a decision was made to go to tender, which was to sell it quite some time ago; however, the recent decision is to accept the highest tender. So the decision to sell was made quite some time ago, but basically going along the lines of the Business Plan as it was proceeding and now the decision has been to agree to accept the highest tender and take the money, essentially. The principles there can be that the money obviously goes through Property Holdings into the capital programme. It is a simply far better deal than we had previously. Obviously, that money then goes to wherever the priorities are left that could be for housing projects. I think what I do have to say is obviously Property Holdings does have an oversight role on various departments that deal with property. It is trying to get some rigour and some substance into the process, particularly concerning sales, and conditions surrounding those sales. I will touch on it briefly - I really do not want to go into the details - but, for example, if you are selling subsidised housing, it is to ensure that people are paying what is appropriate and equally to make sure that people are not taking advantage of the opportunity to buy a cheap house and effectively work the system. So it sometimes is about asking difficult questions and saying: "Have you got the rigour in place?" It does not always make us popular, but it is about making sure there is an oversight in there. In relation to Deputy Le Claire, I am certainly very happy to set up some presentations for States Members in relation to Property Holdings or the battle of maintenance and possibly the office strategy as well - well, in fact, including the office strategy - and I will try and get those in place before the first sitting of next year, that gives us a reasonable timing. Now, I am not sure it is appropriate we ... I obviously declare an interest; I am a member of housing trust still and we diverted away on another tangent, but I think there are 2 areas I would like to clarify from a working knowledge because they have been put out into the public domain and I would like to correct matters. As far as I understand in relation to housing, rents and the housing trust rents, the principle now, as far as the rents are concerned, is that everybody is on the same footing, i.e. that whether a tenant is in a housing trust, in Housing Department accommodation, or else in the private sector, what we would call the rent rebate side of things, now under Income Support, is all done in relation to the fair rent. So, whoever it is, the landlord, takes the money. What happens later on, as far as the Housing Department is concerned, is that I think there is something that comes off their bottom line. As far as the rents are concerned, the landlord, the Housing Department, the housing trust, or the private sector one, receives the rent; the tenant receives the rent rebate or the Income Support element. So, in theory, people are meant to be on the same basis. Interest subsidies, certainly in my experience - I will allow for a lack of knowledge on how other people operate - the trusts are protected from interest rates above 4-6 per cent; it depends on the circumstances. They obviously have to repay all the capital. So, if the rent is 8 per cent, the States pay the trust 2 per cent on the borrowings. If the rate is 2 per cent, the States pay nothing, so there is no cost depending, at the moment, what the rates are. In return, the States get control of between 50 and 80 per cent of anything that is built and that was the mechanism that was set up. It is about having the control of the nomination rights on the thing rather than the ... and having the regulation in place - I will come back to that - rather than having to control the maintenance liability, the ownership and the administration costs.

Deputy P.V.F. Le Claire:

Could I ask the speaker to give way? The ownership of the assignment of property under the housing trusts is a percentage at the time of sale, but that is not in perpetuity and has been eroded in many cases over the course of years where we have seen housing trusts, for example, having to allocate 60 per cent to individuals that have been put forward by Housing, but that has been decreasing over the years and that has not been retained. That is my information and other Deputies' information. Perhaps the speaker could clarify that towards the end of today, if not in his speech.

Deputy J.A.N. Le Fondré:

I will clarify my opinion on that, which is as far as I am concerned and as the subject ... I can only talk from my own experience and, obviously, I am not a member of the Housing Department. My understanding is that the trusts individually signed up to what I will call triennial agreements; basically an agreement ... you could call it a service level agreement, but it is an agreement that has been signed in writing. Certainly the one that I am aware of specifies that on differing properties, depending whether they were acquired from the private sector or whether they were built with housing subsidies, there are nomination rights in perpetuity, as far as housing was concerned, of between 50 and 80 per cent. Now, if Housing does not have someone available at the time then that might change the circumstances, but they should not be being eroded significantly. It may be that the Housing Department takes a judgment each time on the need. I mean, ultimately the trusts are working from a ... well, everybody, the Housing Department, the housing trusts and whoever, are all working from a similar pool of people and those people need housing.

Deputy P.V.F. Le Claire:

So, if I could ask if you could give way just once more; so the answer is then depending upon the circumstances this in perpetuity assignment is eroding because the speaker has just said depending upon the circumstances that triennial agreement - 3 years - not perpetuity, is revisited and depending upon on the circumstances they may not ... because that is certainly not the information we are receiving on the doorsteps. On the doorsteps we are being told that the assignments are decreasing.

Deputy J.A.N. Le Fondré:

I think triennial is my wrong use of terminology because I believe it was something that was used many years ago when the thing was suggested. All I can talk about is an agreement that the trust I represent has in place. It has never been reviewed; it carries on. As far as the trust is concerned, I believe it operates in perpetuity. What I was trying to explain is that if the nomination right for the Housing Department comes up as part of the 80 per cent or the 50 per cent and the Housing Department does not have someone in place at that point they may relinquish that nomination to someone else, but that does not mean it is lost for ever; it should come back. I do not think this is the right forum for an across-the-floor thing. I wanted to raise it because it was ... I was trying to clarify matters from the point of view of what was being put out there. What I will say is why are there different criteria? Why is it on 100 per cent? Well, I think one example I would use is Troy Court. In fact, in the very many days gone by, in the late 1980s, if Housing had bought that particular site it would have had to evict - and it was admitted in the States at the time - between one-third and two-thirds of the individuals, even though they were locally qualified because they did not meet the tighter criteria that the Housing Department had in place. The trusts are meant to be about housing local residents in need of accommodation. So that is the slightly different criteria they operate under. I would like to move on a little bit. I think that covers many of the points raised. I think we should bring it back to the proposition or the amendment. I think there are better ways of achieving the aim and although I am not necessarily always a fan of the planning process, surely that is a far more logical way of doing things. There is the Draft Island Plan, proposal H1, and this is what is in all our trays at the moment: "Developers of sites designated under policy H1 of the construction of Category A housing will be required by the Minister for Planning and Environment to provide this housing in such proportions as the Minister shall determine having regard to the most recent available evidence on housing need and housing supply." It goes on to say that initially it would be 45 or 55 per cent and then goes on to talk about Category B housing where: "The Minister must be satisfied that development has maximised the opportunity for the provision of affordable housing within the guidelines set out in the Affordable Homes Policy." I have to say I agree with many people that I think in this instance the Planning Department is the way to go and get the protection. There are some anomalies in the amendment before us today. So, I think we agree with the motives, but the amendment does not work, as far as I am concerned. The proposed planning process is intentionally to allow site-specific levels to be determined for social

housing, or first-time buyer housing or whatever. That is a far more appropriate way of doing things. I therefore ask Members not to support the amendment.

Senator A. Breckon:

I wonder if I may ask a question of the Assistant Minister for Treasury and Resources? There is something he never said. He mentioned how expensive the Sunshine Hotel was, but he never said how much we are getting for it and if we are making a profit or a loss.

Deputy J.A.N. Le Fondré:

Can I provide that information to the Senator later, please?

Senator A. Breckon:

I take that to mean we made a loss.

Deputy J.A.N. Le Fondré:

I would need to go back and make further ... The reason I can say that is that the tender is better than previous, but I think we are going into commercially sensitive data and, equally, the definition of loss, it depends how far back one goes. I do not know what the acquisition cost of the site was, off the top of my head.

The Bailiff:

Does any other Member wish to speak? The Deputy of St. Martin.

9.1.8 Deputy F.J. Hill of St. Martin:

There is a little bit of confusion here because I would like to support the sale for some, but not of the lot. This is the difficulty I think not only I, but other States Members, will have because either we vote them all in or we vote them all out. I do not know really whether there is any possibility of splitting them because in actual fact, having just heard Deputy Le Fondré speak, he really speaks about 3 properties here and no other properties really which probably one could say they could be sold. I would certainly follow the Connétable of St. Saviour. I know that field very well. I know, as a child, having been a shaker, from my father digging and my mother picking up potatoes, so I can remember that being in potatoes. I can also remember it going into glasshouses and coming out again. The thought of someone building along there, it just is not on. There is no way. As much as I would like to support some of what Senator Breckon is about, there is just no way one could support that, to have housing on it. I think this is the difficulty Members like myself have. Again, I am not as au fait as I should be, I suppose, with the Island Plan, but it quite clearly here says on page 2: "An emerging Island Plan policy is in train, which will require affordable housing from all residential schemes in due course." Well, I just wonder how much is the right hand working with the left hand to ensure that we all are clear, that before we sell anything we do not sell anything at all that could not be put into housing. Because I am just wondering whether we should not only not support what Senator Breckon is asking for, but whether we should not support the sale of anything until we are absolutely sure that it is not needed.

9.1.9 The Connétable of St. Brelade:

Just a couple of comments on 2 of the properties the Senator mentioned. In my view, Pine Ridge is not suitable for this. It is adjacent to the Bellozanne Sewage Works and its associated problems, which were well aired in an earlier debate. It would be morally wrong, in my view, to direct the sale of this property to the sector of the market as is suggested, as we did in the past with the Pomme d'Or Farm flat development and from where my department receives most of its complaints. Secondly, South Hill is capable of providing a very high class or high value development and I would have thought it would provide much better value to the public and value towards the delivery of the type of accommodation the Deputy suggests by directing that to a less elevated and valuable site. Thank you.

The Bailiff:

Does any other Member wish to speak? The Deputy of St. John.

9.1.10 The Deputy of St. John:

I would like to know the cost of the post-sale and the original purchase price of the Sunshine Hotel, if Deputy Le Fondré could give us that information before we have to vote. Also, as far as getting rid of any States property for sale, for redevelopment, I have got concerns; not only of what is being proposed in the amendment, but also in the States own Business Plan. I have concerns that we should not sell any property that can be used at some future time for housing. That should stay within our portfolio. We bought it at a certain price and we might get a price today, but when we do come to build we will be paying through the nose, especially if we are buying properties back. I do have concerns. I cannot support this, but I am going to have to vote against the main proposition because of what I have just said.

Senator P.F.C. Ozouf:

Can I just assist the Deputy? He asked about the Sunshine Hotel; he asked the Assistant Minister for ... I am aware of what that figure is, but the figure is not to be publically disclosed for obvious confidentiality reasons in the event that the property ... I am happy to disclose it to Members that would agree for a confidentiality arrangement, if necessary, under normal confidentiality, but I am not going to disclose it in the Assembly. I am sure Members would support the reasons why. If the proposition would not go forward then one would be in a position where other bidders would know. I do not think it is in relation to this amendment, if I may respectfully say to the Deputy of St. John.

The Bailiff:

Does any other Member wish to speak? The Deputy of St. Mary.

9.1.11 The Deputy of St. Mary:

Just briefly. I am not well versed in the ways of housing, but some of the things that I have heard, particularly Deputy Martin say, are pretty shocking and I wonder if others could comment maybe. It appears that we have sold to housing trusts valuable assets for virtually nothing and that is in the past, but you see we are being asked to sell sites in the original Business Plan at the wrong time. That worries me as well. Then there is The Ritz and The Continental. It just does not sound like a very good backdrop. I am really, really worried and I hope that someone will set my mind at rest and the proposer can explain how he can get around the problems that others have mentioned with his amendment because there are obviously problems with that as well.

The Bailiff:

Does any other Member wish to speak? Deputy Tadier.

9.1.12 Deputy M. Tadier:

I will just speak very briefly about affordable housing. Let us not lie about it; we do not want affordable housing in Jersey. Certainly this current Government we have does not want that. Their philosophy is that the free market rules; we have growth. If that is true then that means you will not get affordable housing because house prices necessary need to keep on going up in price inevitably because when you buy a house you do not buy a house to live in, you do not buy it as a home to raise your children in, you do it primarily in Jersey to get on the housing ladder and you want that investment to always go up and up in price. That is the logic that we have in Jersey. We are beholden to the free market ideology. That is just a given. Let us not have this double talk about we want cheap housing for people or affordable housing. If we really want affordable housing for people what we do is we build it ourselves, we use the land, we build houses ourselves. We either rent it out so we do not have to pay landlords to keep them well plush, in fact when it does not help the people in social housing at all. If the private sector can make money off housing then we can also do the same. That can be pushed back into public ownership to the benefit of the whole

community. Really let us not talk about affordable housing because we know that this government has no intention of providing affordable housing. But there are some in here who I do believe want affordable housing. They know that families in Jersey who are hard working do not want to be forced into extortionate rental houses, be that in the private or public sector. Others do hold on to the dream of owning their own homes. We need to have some imagination and some leadership so I would urge that we all back Senator Breckon's proposition [Approbation].

9.1.13 Deputy G.P. Southern:

It is appropriate to follow on from Deputy Tadier because indeed he hits on the nub of the question here about affordable housing. The Whitehead Report and a similar report covering similar ground on affordable housing produced by the Minister for Planning and Environment Minister say the same thing. It says: "Housing in Jersey is no longer affordable. With a multiplier between 15 and 17 of average wages in order to acquire a house, that is simply out of the range of the vast majority of most Jersey residents." The Whitehead Report in particular points to the growing need for affordable social housing for rental, on the simple grounds that there is a larger and larger chunk of people living here who simply cannot and will never be able to buy. It does not matter what sort of schemes we prop up or try and keep down the house prices with, those mechanisms simply in the long run are not sustainable. There will be an increasing demand for social rental housing. The other thing that we are doing is, even in this time of recession, we are growing the population. We have a target of 150 heads of household so multiply that by 2.1 for dependants. We are growing the population which as Deputy Tadier pointed out simply stokes house price inflation which may be stabilised for the moment but certainly is going to take off. We have had a Minister for Housing Minister, quite frankly, for the past decade that has made absolutely clear that what he intends to do is to get the States out of providing social housing. By hook or by crook, one way or another, he would like on his memorial to his time at housing: "Senator Terry Le Main, he closed the Housing Department down." That is what the intention is. Whether he achieves that or not is a matter for this House. It was interesting to hear the Assistant Minister repeat the mantra of his Minister that all the problems with housing have been foisted on the Housing Department by this Chamber. This Chamber gives the instruction to the Minister for Housing Minister and this is at the stage of course that the Minister for Housing Minister comes to the House and says: "Please tell me this because this is how I wish to proceed." It was interesting to hear the Assistant Minister blaming us for the state of housing on the Island and the Housing Department. There is a basic principle here and it lies behind this amendment. It says is it appropriate that the States remain the essential mover in providing social rental housing? I believe the answer is yes. As some speakers have already pointed out ... but in any case whatever your politics, whether you agree with that statement or not - and it is hard to deny that we will continue to need social rental housing - is now the time to sell off? The answer has to be, even if you are directly opposed to the States being involved in creating and building social housing, now is not the time to sell because prices are low. We are in recession. The market is low so we get the minimum price if we sell off now rather than the maximum that we might do in the future. Whatever your reasons, whether a political, ideological, philosophical reason or a straightforward pragmatic practical reason, we should not be selling off the family silver now. So vote for this amendment.

The Bailiff:

Does any other Member wish to speak?

9.1.14 Senator T.A. Le Sueur:

I think we seem to be in danger this morning of trying to reopen the whole of our social housing policy. Indeed the Business Plan simply seeks to deliver policies that Members have already agreed. The argument about social housing and housing trusts has been debated a couple of times. It will no doubt continue to be debated but we have a clear policy in respect of the provision for social housing. This amendment relates to a proposition which is far more fundamental to the

problems that the Island faces. If Members were to look at pages 99 to 102 of the Business Plan, they will be reminded that each year we have to provide £4 million worth of capital receipts in order to deliver a capital programme. A capital programme which we all accept is the very minimum that we need to deliver. Yet people are trying to erode that £4 million every time you look, every time you turn. We cannot have it both ways. This capital programme needs £4 million a year from the disposal of surplus capital assets. I emphasise surplus capital assets. Any properties which are on the scheduled properties for disposal have been carefully evaluated before coming to the conclusion that they are indeed surplus sites. There has been a suggestion that now is not the right time to dispose of properties. The Business Plan itself does not insist that the properties have to be sold between now and next week. I can recall as Minister for Treasury and Resources Minister in the past 3 years bringing forward properties on a list which are still not sold. What this proposition does - and I know I am speaking to the proposition now rather than the amendment - is the proposition seeks to include properties on a list which could be sold at some time in the future when the conditions are right. But they have to be sold for the right reasons. So we come back to this particular amendment and the reasons given which as many Members have commented is a bit of hotchpotch of sites. Some sites might be suitable for social housing. Other sites clearly are not. One site is clearly agricultural land. But in any case, should we be delivering an uncertain policy in the middle of a Business Plan debate on the basis of 6 sites like this? This is not the time to debate that sort of amendment. This is not the sort of amendment which is coherent, is logical. It does not give any steer to the Minister for Planning and Environment Minister or the Minister for Housing Minister as to what sort of figure might be looked for. All we have to do is to effectively find an excuse to do nothing. That to me does not get us anywhere. I want to ensure that we do deliver something. I want to ensure that we deliver the policies that we already agreed upon. For that reason I urge all Members to reject this amendment.

The Bailiff:

Does any other Member wish to speak on the amendment? Very well. I call upon Senator Breckon to reply.

9.1.15 Senator A. Breckon:

Thank you to all Members for their contribution. There are a couple of issues that were touched on that I want to address. I will do that in good time for the lunch break. I do not intend to dwell on this, pardon the pun. I think 3 Members mentioned Le Coie Hotel. I just want to, for a moment or 2, relate about Le Coie Hotel and what happened because it has been used as an example about what we did or did not do and whether it was right or wrong. Senator Ozouf as Minister for Treasury Minister and Resources mentioned buying commercial sites to extinguish them to create housing. Deputy Martin also mentioned that. But what happened in the case Le Coie, we moved from a committee system of government to a Ministerial system of government. For a period of about 10 days at the end of December 2005 there was none of either. There were no committee presidents because that had fallen with the change of the House and there were no Ministers because that law did not come into effect until the 1st January 2006. Within that void, within that vacuum, over £12 million was written off on Le Coie Hotel. [Approbation] Then what happened in February 2006, a retrospective Ministerial decision was made to write that £12 million off. That was the mistake that was made and that is the way we blundered into some of these situations. I did not mention that. A number of other people did and they mentioned the deal we were doing with trusts. There was no such thing as a free lunch. We are now paying the subsidies for that. But that is not what this is about either. There have been a number of Members that also mentioned about the Island Plan and how it is going to cure all this. The question is why did not the one of 2002 do it? Why are we ongoing with some of the issues? Why have we not still got the affordable? There is a report about to be released - a Planning and Environment report - which might discuss some of that. There is another report from Housing. I think we have still got to have some of that debate. But what I can say is it is not very clear from either of those reports where the affordable housing

is. Deputy Power mentioned roadblocks. As you can see by that fairly gung-ho application for the Sunshine Hotel, there is no such thing with a private developer. Within days of negotiations, the application is in. We have had it since 1999 and we have literally messed around with it. I would suggest that if we do have deals with the private sector then that is the sort of service and fast tracking that we could expect. The other thing that Deputy Power mentioned was how many houses or flats we have created at Le Squez. The other question is how many have we knocked down. Have we created any at all? It is a better standard. The other thing he might apply his mind to, we waited until they fell down before we did anything about it. We did not maintain them in the first place. Deputy Le Claire made an interesting speech. I think what he was saying is can we be a creator. Yes, of course we can and I believe this is an opportunity to do that. A number of Members mentioned particular sites. What I would suggest is this is a contractual issue. I know from experience in dealing with land and property from some issues that I have helped people with, sometimes you put a caveat in the sale that said, for example on field 107, if somebody ever built on there then that is what happens. We want half of any residential accommodation. That would be in the contract. That is the sort of thing I am talking about because it has been on a 25 year lease. We are looking to extend that or sell it or whatever else. That is okay, I do not have a problem with that. But if somebody builds on it then I do. That could well happen in 3 years' time, in 10 years' time. We can then come back and say within this we get half for nothing of whatever you build. That would be in that. That is quite common when somebody sells a piece of land that has the potential. Who knows with the Island Plan where the next potential is because we do not. Sometimes when sites come up it is a bit of a surprise. We think why is that? That is the same with this. I am not saying we should build 30, 40, 50 houses. What I am saying is if anybody ever does then we put the caveat in the sale that says this is where we come from. I was interested in what the Constable of St. Brelade said. He mentioned the Pine Ridge. The only thing I put that in for, it is a single property. If it stays a single property, it is not a problem. If somebody knocks it down and builds 10 flats then there is a problem. Let us have some of that because there is a yield there. But he did mention the Bellozanne smell. I thought we had a debate about sorting that and the incinerator is going so the smell should not be an issue. The other thing with South Hill, it is an excellent site. It is a brilliant site. I think the term he used was high class. Indeed. Why is it not good enough for the elderly? Why is it not good enough for anybody paying rent? Why should it be a prestige development that keeps people out? Why is it not good enough? It is a mess at the moment with planning officers on and whatever else. Why can we not create something that is excellent and world class for the many ordinary people? Other people have mentioned trusts and things like that. That is not what this is about. I think we have a situation here where we can send a message. This is exactly the sort of thing that we should be doing. Senator Le Sueur, as Chief Minister, mentioned we have surplus sites, as an example, the Sunshine Hotel. How is that surplus? How has this come about? That is the kind of incompetence that I want to stop and give make mind's focus when we are dealing with property; if we are buying, if we are selling. The Sunshine Hotel site, I would say, is not surplus. We need it. We are selling it really through mismanagement and incompetence. I suspect we are losing money on it but we have not had the figures. I am worried that as a commercial confidence, who does it belong to? Who does it belong to? Does it not belong to the people of the Island? If we are realising a price and there is some bad news then people should know because that is exactly where we do not want to be in the future, doing similar deals and demonstrating similar, I would suggest, incompetence of how we do it. Nearly 10 years we have had that site. It is ideal for elderly people to live. The shops are there. The beach is just down the road. There is a bus service around the corner. That is exactly what we want and we failed. Now we are selling it and the Chief Minister described it as a surplus site. I would not describe it as that at all. What I am suggesting here, I have suggested a number of sites, there is no other way of doing it, it is where it is in this Business Plan, and the reason I have done it is so that those who are dealing with a property, be they Ministers or officers, start to take note and start to deliver affordable housing from the assets we have got. Let us squeeze them and make

them work, make them sweat. I believe this is an opportunity. I maintain the amendment and ask for the appel.

The Deputy of St. John:

Before we have the appel, Sir, the Minister for Treasury and Resources Minister said he would give us the figures for the Sunshine Hotel. I would like to know that before I vote, Sir. Could we have the vote after lunch when we come back, Sir?

The Bailiff:

I think the Minister said he would give it confidentially but also Sunshine Hotel is not on this amendment.

The Deputy of St. John:

It is part of the bigger picture, Sir.

Senator P.F.C. Ozouf:

Sir, I have already explained that I cannot and I will not put in the public domain commercially confidential information. It has got nothing to do with this amendment, with the greatest of respect to the Deputy of St. John.

The Bailiff:

Very well. The appel is called for in relation to the amendment of Senator Breckon. I invite Members to return to their seats. The Greffier will open the voting. If all Members have had an opportunity of voting, the Greffier will then close the voting. The amendment is lost: 15 votes pour, 29 votes contre and 2 abstentions.

The Deputy Greffier of the States:

The 15 Members voting pour: Senator Breckon; the Connétable of St. Lawrence; Deputies Duhamel, Fox, Martin, Southern, Grouville, Le Claire, Lewis, Tadier, St. Mary, T. Pitman, Higgins, De Sousa and Maçon. The 2 abstentions: the Deputy of St. John and Deputy Vallois. [INSERT VOTE TABLE]

POUR: 15		CONTRE: 29		ABSTAIN: 2
Senator A. Breckon		Senator T.A. Le Sueur		Deputy of St. John
Connétable of St. Lawrence		Senator P.F.C. Ozouf		Deputy T.A. Vallois (S)
Deputy R.C. Duhamel (S)		Senator F.E. Cohen		
Deputy J.B. Fox (H)		Senator J.L. Perchard		
Deputy J.A. Martin (H)		Senator S.C. Ferguson		
Deputy G.P. Southern (H)		Senator A.J.D. Maclean		
Deputy of Grouville		Senator B.I. Le Marquand		
Deputy P.V.F. Le Claire (H)		Connétable of St. Ouen		
Deputy K.C. Lewis (S)		Connétable of St. Helier		
Deputy M. Tadier (B)		Connétable of Trinity		
Deputy of St. Mary		Connétable of St. Brelade		
Deputy T.M. Pitman (H)		Connétable of St. Martin		
Deputy M.R. Higgins (H)		Connétable of St. John		
Deputy D. De Sousa (H)		Connétable of St. Saviour		
Deputy J.M. Maçon (S)		Connétable of St. Peter		
		Connétable of St. Mary		
		Deputy of St. Martin		
		Deputy R.G. Le Hérisier (S)		
		Deputy of St. Ouen		
		Deputy of St. Peter		
		Deputy J.A. Hilton (H)		

		Deputy J.A.N. Le Fondré (L)		
		Deputy of Trinity		
		Deputy S.S.P.A. Power (B)		
		Deputy I.J. Gorst (C)		
		Deputy A.E. Jeune (B)		
		Deputy A.T. Dupré (C)		
		Deputy E.J. Noel (L)		
		Deputy A.K.F. Green (H)		

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

Very well. The adjournment is proposed then. We will return afterwards to continue with the next amendment on the Order Paper. We will return at 2.15 p.m.

LUNCHEON ADJOURNMENT PUBLIC BUSINESS - resumption

10. Draft Annual Business Plan 2010 (P.117/2009) twelfth amendment (P.117/2009 Amd.(12))

The Bailiff:

We come next to amendment No. 12 lodged by the Deputy of St. Ouen. I will ask the Greffier to read the amendment.

The Deputy Greffier of the States:

Page 3, paragraph (g) - After the words “accepted by the Minister for disposal in 2010 and thereafter”, insert the words - “except that the property “D’Hautrée Site, St. Saviour’s Hill, St. Saviour” shall be removed from the schedule of disposal set out in the said Table J.”

The Bailiff:

Chief Minister?

Senator T.A. Le Sueur:

It is being accepted, yes, Sir.

The Bailiff:

This one has been accepted.

The Deputy of St. Ouen:

I would like to ask that Deputy Green act as rapporteur for this particular amendment. Deputy Green is my Assistant Minister, Sir.

The Bailiff:

Is it lodged by you in your capacity as Minister, Deputy? I beg your pardon then. Very well.

10.1 Deputy A.K.F. Green (Assistant Minister for Education, Sport and Culture - Rapporteur):

We are grateful to the Council of Ministers for supporting this amendment. It is important that Education, Sport and Culture work with Property Holdings to determine the future property requirements of E.S.C. (Education, Sport and Culture) if we are to provide for the needs of our Islanders both now and in the future. If we are to do that, an overall Strategic Plan needs to be developed identifying what property will be required by E.S.C. over the next 10 to 15 years. Until this exercise is completed and has been carried out satisfactorily, it would be less than prudent to agree to the sale of the site. Currently the exam centre is based in permanent buildings on the site

and other parts of the site house temporary classes, accommodation and presently being used to accommodate students and will be required to support the new training and educational initiatives as part of the Fiscal Stimulus Package. It may be in the future that additional space will be required to support higher education facilities at Highlands. As I said before, the department seeks to improve the vocational training provision in the years ahead. The D'Hautrée Site, as it is touching Highlands, as people know, would be an ideal site if a decision was made for further development of the Highlands campus. Indeed this is the only part of the Highlands campus that would be suitable for further development as other parts of the campus are already occupied by teaching blocks and other related facilities. It should be noted that the Island Plan recognises the strategic value of the D'Hautrée Site for educational purposes. This was referred to in the 2002 Island Plan and has been referred to again in the current draft Island Plan. Over the next 12 months, the department undertakes to work with Property Holdings on identifying the services' future property requirements in order that informed decisions can be made before the disposal of any assets. It would be premature, therefore, for the States to agree for the sale of D'Hautrée Site in 2010. I ask Members to support the removal of this property from Summary Table J.

The Bailiff:

Is the amendment seconded? [Seconded]

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

I would like to thank the Council of Ministers for agreeing to remove this from the Business Plan. However, it is just another example of how we do not think long term and how we do not talk to each other. The Education Department, Jersey Property Holdings and I believe the parish of St. Saviour should be the number one stakeholders in this area. Also the fact that even consideration of removing this without consulting those beforehand was a mistake. I hope the Council of Ministers can reflect upon this for future decisions on removing properties.

10.1.2 Deputy K.C. Lewis:

I fully support this amendment like my colleague. We have had trouble in the area for some time with schools traffic in Wellington Road, Highlands Lane, Bon Air Lane, as well as St. Saviour Road. There will be a meeting coming up shortly between the local Deputies, the Constable, the Minister for Education, Sport and Culture and, indeed, Property Services with a view to possibly making an exit and access road on St. Saviour site to the Highlands campus which should alleviate some of the traffic.

10.1.3 Deputy R.G. Le Hérisier of St. Saviour:

Just 2 quick things. To Deputy Vallois, I would say it is years that this issue has been rumbling on so I do not think we can blame Property Services in this instance. The second thing is I am very pleased to see the incredible enthusiasm of the Assistant Minister for integrated strategic planning. Would he confirm he will be applying it with equal enthusiasm to Fort Regent? [Laughter]

10.1.4 The Deputy of St. John:

Yet again we see the Council of Ministers not pulling together prior to coming to the House. This should not have come to the House because the Minister for Education, Sport and Culture sits on the Council of Ministers. This is their document. It is their Business Plan. Why on earth did they not put their heads together at an earlier time? We are wasting time getting documents, people bringing amendments, et cetera et cetera, when they are not necessary. I am flabbergasted. The ministries have been in place nearly for 4 years now and all this was supposed to have been ironed out in the first 3 years. We are still getting these types of - I could use another word - mistakes.

10.1.5 Deputy J.M. Maçon:

From a slightly different perspective, I applaud the Minister for Education, Sport and Culture Minister for bringing this. I think it is good that he is asserting his independence and fighting for

his department. I think it is much appreciated by this House in showing that a Minister will fight for his department.

The Bailiff:

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

10.1.6 Deputy A.K.F. Green:

I will not keep the House very long. Yes, it is a shame that this came forward when it did but to the credit of the Council of Ministers once they realised the error of their ways it was accepted as an amendment. To Deputy Lewis on school traffic, I think there is scope there for imaginative schemes and perhaps even walkways up from the bottom of St. Saviour’s Hill. We will work with the Deputy to do that as part of our review, and anybody else that wants to work with us [Laughter]. With regard to Deputy Le Hérisier, of course I will be helping with Fort Regent development with even more enthusiasm and vigour. I look forward to receiving the Deputy’s scrutiny report [Approbation] so that we can move forward on it. I move the amendment.

The Bailiff:

Very well. The matter before the Assembly is the amendment put forward by the Minister for Education, Sport and Culture. All those in favour of the amendment kindly show. The appel is called for in relation to the amendment. I invite Members to return to their seats. The Greffier will open the voting. If all Members have had an opportunity of voting, the Greffier will close the voting. The amendment is adopted: 39 votes pour, no votes contre. [INSERT VOTE TABLE]

POUR: 39	CONTRE: 0	ABSTAIN: 0
Senator T.A. Le Sueur		
Senator P.F.C. Ozouf		
Senator F.E. Cohen		
Senator J.L. Perchard		
Senator A. Breckon		
Senator S.C. Ferguson		
Senator A.J.D. Maclean		
Senator B.I. Le Marquand		
Connétable of St. Ouen		
Connétable of Trinity		
Connétable of St. Brelade		
Connétable of St. Saviour		
Connétable of St. Peter		
Connétable of St. Lawrence		
Connétable of St. Mary		
Deputy R.C. Duhamel (S)		
Deputy of St. Martin		
Deputy R.G. Le Hérisier (S)		
Deputy J.B. Fox (H)		
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 S.S.P.A. Power (B)		
Deputy K.C. Lewis (S)		
Deputy of St. John		
Deputy M. Tadier (B)		

Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D. De Sousa (H)				
Deputy J.M. Maçon (S)				

11. Draft Annual Business Plan 2010 (P.117/2009) thirteenth amendment (P.117/2009 Amd.(13))

The Bailiff:

We come next to the thirteenth amendment put forward by Deputy Tadier. I will ask the Greffier to read the amendment.

The Deputy Greffier of the States:

Page 3, paragraph (g) - after the words “accepted by the Minister for disposal in 2010 and thereafter”, insert the words “except that the property “Library Chambers, 5 Library Place, St. Helier” shall be removed from the schedule of disposal set out in the said Table J.”

The Bailiff:

Chief Minister?

Senator T.A. Le Sueur:

We are prepared to accept this one, yes, Sir.

The Bailiff:

Very well.

Deputy M. Tadier:

Do we accept it or ...

The Bailiff:

I am going to ask you to propose it [Laughter].

11.1 Deputy M. Tadier:

It has been such a long time. I do not need to make a long speech because we know that this has been accepted by the Council for which I thank them. Just to give a brief background of this property that we are talking about, it is the one that houses the HSBC bank on the corner of Broad Street. It was originally donated to the Island to be a library by the Reverend Falle in 1737. I do not need to go through all the history but suffice to say it is a site of great historical interest to the Island. It is also a site of special interest. I think it may even be a listed building. I would just add the caution that this is not necessarily the end of the planning process(?) story. It may all come back to the States in a year, 2 years, 3 years. When and if it does come back I will be standing to propose it and hope you will be supportive of that. I would just add - maybe to put the cat among the pigeons - if any Back-Benchers who were going to vote against this amendment before the Council of Ministers accepted it, I expect you to still vote against it now. Nothing has changed. Presumably if you thought that the building should not be sold you should think it should not be sold now too. Be true to yourself. Any Members that were going to vote against it will still be voting against it with the exception of the Council of Ministers.

The Bailiff:

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

11.1.1 The Deputy of St. John:

I am surprised that a building that has been donated to the Island should be being considered to be sold, given that if a building has been donated it has been done in good faith, in particular, when it is so close to the Royal Court buildings and this Chamber. Those buildings I believe should stay sacrosanct wherever possible and stay within the public domain.

11.1.2 The Deputy of St. Mary:

Just quickly. I just want to express a vote of thanks to the Deputy who spotted something that went under my personal radar. When I saw his amendment I thought what a good thing that he had brought it. I am so glad that the Council of Ministers have accepted this. It is a valuable building. It is near this Chamber, as the previous speaker said, and it is good that we are holding on to it.

11.1.3 Deputy K.C. Lewis:

Very briefly. In a similar vein regarding properties left to the Island. I do hope that the Le Seilleur Building next to the proposed town park will shortly be done up.

The Bailiff:

Does any Member wish to speak? I call upon Deputy Tadier to reply.

11.1.4 Deputy M. Tadier:

I think the issues that have been raised by the Deputy of St. John in particular and Deputy Lewis are valid ones but they are probably for debate another day. Hopefully, a debate will not have another day. This building in particular was left in perpetuity for the States. I just remind States Members of that. It was donated for the States and for the public of the Island to continue to benefit from the building in whatever form to remain in States ownership. I maintain the proposition and ask for the appel.

The Bailiff:

The appel is called for in relation to amendment No. 13 of Deputy Tadier. I invite Members to return to their seats and the Greffier will open the voting. If all Members have had an opportunity of voting, the Greffier will close the voting. The amendment is adopted: 40 vote pour, 1 vote contre.

The Greffier of the States:

The Member voting contre: Deputy Noel. [INSERT VOTE TABLE]

POUR: 40		CONTRE: 1		ABSTAIN: 0
Senator T.A. Le Sueur		Deputy E.J. Noel (L)		
Senator P.F.C. Ozouf				
Senator F.E. Cohen				
Senator J.L. Perchard				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.D. Maclean				
Senator B.I. Le Marquand				
Connétable of St. Ouen				
Connétable of Trinity				
Connétable of St. Brelade				
Connétable of St. Saviour				
Connétable of St. Peter				
Connétable of St. Lawrence				

Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
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.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.M. Pitman (H)				
Deputy A.T. Dupré (C)				
Deputy T.A. Vallois (S)				
Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D. De Sousa (H)				
Deputy J.M. Maçon (S)				

12. Draft Annual Business Plan 2010 (P.117/2009) eighteenth amendment (P.117/2009 Amd.(18))

The Bailiff:

Very well. Then we come next to amendment No. 18 lodged by Deputy Tadier. I will ask the Greffier to read the amendment.

The Deputy Greffier of the States:

Page 3, paragraph (g) - after the words “accepted by the Minister for disposal in 2010 and thereafter”, insert the words “except that the property “Land adjoining 108/109 Clos de Sables, St. Brelade” shall be removed from the schedule of disposal set out in the said Table J.”

The Bailiff:

Chief Minister?

Senator T.A. Le Sueur:

Not this one, no, Sir.

The Bailiff:

You do not accept it.

12.1 Deputy M. Tadier:

I expect this one will take a little bit longer. First of all I would like to seek advice from the Chair because the actual amendment is incorrect, or one of original aspects is incorrect, it does not relate to 108 and 109, it relates to 107 and 108. I do not know if that is relevant at this stage but it is probably better to clear that up straight up away, that there is an error in the original Business Plan.

Deputy S. Power:

I can confirm that is the case. It should be 107 and 108 Clos de Sables.

The Bailiff:

Very well. In which case do you ask that there be an amendment to your amendment? The States can take it sur le champ, if satisfied it makes no difference. Is that seconded? [Seconded] Do Members agree to make that amendment which is clearly to pick up a typographical error? Those in favour? Those against? Very well. So your eighteenth amendment is now amended to refer to 107/108.

Deputy M. Tadier:

Just to clarify for Members, if I may. So the property in question is a piece of land between 107 and 108 Clos de Sables. It was written incorrectly in the Business Plan and that is why the amendment had the same wording. This is a slightly difficult one because again this is something which may well have slipped past my radar. When I saw it, the first thing I saw when reading through it (2:33:40 several inaudible words) was that it was in my area and I wondered what it was, and spoke to Deputy Power. Really, it was only last week that I saw it and became aware of it and I did take it upon myself to research, to visit the property, question the neighbours. What I found is that there was some strong opposition, I feel, for this piece of land being sold. I did speak to a number of residents in the immediate area ...

The Bailiff:

Sorry, Deputy, just to interrupt. From what you just said, I misunderstood the position. I thought you were saying that your amendment is a typographical error. But you are saying it is also wrong in the Business Plan. Is that right?

Deputy M. Tadier:

I am afraid so, Sir. That is the point, Sir.

The Bailiff:

Right. It was not the point which I had picked up from what you said. Chief Minister, we are going to have to amend the Business Plan too then, are we not?

Senator T.A. Le Sueur:

I suspect so, yes. The error was acknowledged in our comments to Deputy Tadier's amendment but I agree that there should be a co-addendum attached.

The Bailiff:

What I suggest is we will debate Deputy Tadier's amendment. Obviously if it is carried then the position is cured. If it is not then I think, Chief Minister, you will have to propose an amendment to yours.

Deputy M. Tadier:

I am glad that is cleared up. I was trying to be tactful but it was not my error. That is what I was trying to say [Laughter]. There was an error in the Business Plan, just to avoid any kind of doubt. But the real issue here is about the piece of land. Speaking to people in the actual estate, these are the stakeholders in it. It is their piece of land effectively. The overwhelming response that I got from all of the people I spoke to, apart from we will call him Mr. H for the moment because he is the owner of 108. Mr. H was not in favour of the amendment of course because he would like to buy this piece of land. I do not necessarily blame him either. But the residents around there, there is a strong feeling that this piece of land should remain in public ownership because it is an amenity for them. It aesthetically enhances the environment. After all it is their piece of ground. It does not belong to either of the neighbours as such. There is a history here. I do not think it is

appropriate to go into it in detail and hopefully it does not come out. Let us just say that there have been neighbourly differences between Mrs. B at 107 and Mr. H at 108. But that is hopefully something we can avoid talking about because I do not think it really affects the decision being made here. I do have a list. I am not going to read out the names but I have got a list of 15 names from the immediate area. The immediate area would comprise of No. 92 to No. 109 which is basically the road going up to that piece of land. It also takes into account properties 151 to 156 and also 157 to 162, 111 to 115. That is all in the immediate area. This is completely verifiable. If any Member wishes to see them afterwards, I am happy to show you the names of people who have said that they are strongly against this piece of land being sold. Why am I standing up here? In one sense it is no skin off my nose whether this little bit of land gets sold but I think it does set a precedent because this is public land. The people I have spoken to on the phone, they have all got different arguments as to why the piece of land should not be sold but the main one is that it sets a precedent. If we can give up a little bit of grass here, a little bit of grass there, where does it all end? I think that is the main concern that they have. Also historically this piece of land was used by children, and still is on occasion, to play. I completely find the assertion from Property Holdings that this piece of land is effectively unused as being misleading. It is well used. There has been an issue in the past the neighbours have said of Mr. H monopolising this bit of land for his use by putting a trampoline on there. I believe this issue has been resolved and that is no longer the case. But that is part of the history. But just a few comments that I have got back from people. They have been saying this is the thin end of the wedge. They are concerned that if we sell this bit of land off, others are going to follow. These are people who have been living on the estate since it was built, in many cases, which was 44 years ago. But I have had all sorts of people phoning me up; some who have only just moved in 2 or 3 years ago. There is somebody who I can quote because he said he was happy to be quoted, Mr. Hamilton Sparks, 105. He lives right next to the property in question. He gets on with both neighbours very well but he is adamant that that piece of land should be kept in public ownership. He has only been there relatively recently. He says that where he was living before that they did not have any grass areas and it is something that they are very keen to keep. I think that there are strong arguments for it to be kept. This piece of land, in some ways I resent the fact that I have been forced to bring this to the States because it is a delicate issue. We are having to name individuals, albeit by initials. It is something of a Reg's Skips all over again it feels to me. I am uncomfortable in bringing this but I feel that given the importance of this small piece of land to the public in that area that it was necessary that I do that. I also think it is very strange that we have 53 Members sitting around judging what should be done about this little bit of land in effectively a district which has 2 Deputies and a Constable and 12 Senators, if you like. But it is just very, very strange that we have to be sitting around. I think there is a general mistrust of Property Holdings in general from people on the estate about the agenda that they have. It is probably not the correct time to debate this. I am really going to leave it like that. I think the case needs to be made for this piece of land to be sold. There is a rumour going round that Mr. H of 108 has had a petition which has been signed by lots of people. Presumably not the people in the direct area. I would like to hear of that. I would like to hear some names if possible or certainly the houses which they live in. But just to sum up, the houses that I am talking about that are against this being sold would be directly affected by it. They are the ones who should know. They live in the exact area. These are people at 92, 95, 98, 102, 104, 105, even 109, 111, 112, et cetera et cetera. The list goes on. I think the last thing to say is good luck to Mr. H. If he has been offered a piece of land, of course he is going to want to buy it, but I suspect that he has been offered something for sale which he had no right being offered. It is not his fault. Of course anyone would jump at buying a bit of land so they could extend their building to build a garden or put a shed on it or park in it. It is not his fault. I believe that he has been misled. Jersey Property Holdings are being irresponsible in trying to sell off a piece of land which ultimately, certainly ethically, does not belong to them. It belongs to the people of Jersey but primarily it belongs to the people in the vicinity of that estate. Lastly, I am also very concerned about where this money goes. It seems to go into a big pot which belongs to Jersey Property Holdings then

when I come along in 2 to 3 months' time to sort out the parking issues in Clos de Sables or Les Quennevais Park and I ask for a sign to be moved so that it is visible, so it is no longer hidden by a hedge, I will be told that there is no money around. That is the trouble is this money is not being ring-fenced at all. It could be used to spend on another property which has not been maintained right the other side of the Island. It is just not joined up thinking at all. I would suggest that we leave this for now. We do not sell it. We are looking at having a review of property in general to find out whether it is right or wrong to sell it off. I would suggest that this should form part of the review and that we stall it, defer it. It can come back next year if necessary but I think this is the wrong decision. I would have hoped that it would have been accepted previously. I think the fact that there was a typo in the text of 108/109 is indicative of the fact that the people who put this in the Business Plan have absolutely no knowledge of what is going on in the area because that is the reason they made the error because they have no connection with the area in question. As a Deputy for this district, I am forced to stand up and defend what might be seen as quite a small piece of land but, nonetheless, it is relevant.

The Bailiff:

Is the amendment seconded? [Seconded]

12.1.1 The Deputy of St. John:

Hopefully Property Services might be able to confirm or not. But back in the 1960s when Clos de Sables was built and in my young days in business, I recall working on some of those properties. They were built on a 99 year lease. Has that changed? Because if they have changed then obviously I am not aware of it. But if not, if that land always comes back into ...

The Connétable of St. Brelade:

If the Deputy would give way on a point, I will clarify if I may. This particular area is not on 99 year leases but there are some properties within the estate that are still.

The Deputy of St. John:

I think that has muddied the waters even more because if there are properties within the estate which will fall back into the ownership of the States then I do not see why if we are going to be developing maybe in another 45 to 50 years' time when they come back in and those properties will be at the end of their serviceable life, because they were only prefabricated, the majority of those buildings, I would be loathe to put a small parcel of land maybe in the middle somewhere that belongs to a private person.

Deputy J.A.N. Le Fondré:

Sir, would the Deputy give way for a moment?

The Deputy of St. John:

Yes, I will.

Deputy J.A.N. Le Fondré:

I think the previous property plan or the one before that - I have to say my memory is starting to fade - was to deal with the principles of the 99 year leases. Indeed there is some work presently going on. We will hopefully have a culmination some time towards the end of this year as to what happens with the 99 year leases. What I would say is, as the Connétable of St. Brelade has pointed out, the plot of land in question, which is in the yellow annex briefly on page 246, is nowhere near the areas of land that relate to the 99 year leases. In fact if the Deputy wishes to look at that page, down to the bottom right there are 3 blocks of flats on a large area of land which says Clos de Sables near it. Those, for example, are one aspect of that estate which are on 99 year leases. As you will see, the hatched area is nowhere near it. Therefore, the 99 year leases are not relevant to

this site. We are not putting up a random strip in the middle of a future development plot from the public point of view.

The Deputy of St. John:

I thank the Assistant Minister for the clarification. It is very useful. That being the case then I withdraw my objections.

12.1.2 Deputy S. Power:

I would like to reply to my colleague in St. Brelade No. 2, Deputy Tadier. I would like to think that both of us are magnanimous enough that we will not be duelling Deputies over this but we will have to agree to disagree. I would like to explain why. The Deputy referred to a petition that he has or that he has a list of names in the area for people that are opposing and agreeing with his amendment. I have also just become in possession of another petition which supports Mr. and Mrs. H. If Members want to see them there are 28 names, including one of the names he mentioned. There are obviously people who are supporting both petitions [Laughter] so I am not quite sure how relevant this is. But on my list - and I have spent 30 seconds on this - No. 110, No. 115, No. 114 and so on, including other houses in Elizabeth Avenue, Quennevais Park and so on. There are both sides to this. Can I just give a little bit of background to this? Mr. and Mrs. H bought their house less than 3 years ago. It was owned by the public. Mr. H is a manual worker with T.T.S. (Transport and Technical Services). He has lived in that house for something like 17 to 18 years before he bought it. If Members go to their map on page 246, Mr. and Mrs. H live on the property to the left of the site and Mrs. B lives in the property which is just below it. When Mr. and Mrs. H bought the site, they had for many, many years established a facility for children in the area. Property Holdings and the Housing Department had allowed a trampoline to be erected on this site for many summers while other children in the area and their own children used this trampoline. When they bought the house, they then asked Property Holdings as to whether Property Holdings would consider selling this small site, which is a very small site, to Mr. and Mrs. H. Property Holdings did the right thing. They approached both owners, Mrs. B and Mr. and Mrs. H, with a view to saying would both parties be interested in buying 50 per cent of the site. As it turned out - and I think Deputy Tadier will agree with me - Mr. and Mrs. H wanted to buy the site and Mrs. B declined an interest. We are now in a situation where Mr. and Mrs. H would like to proceed with the purchase of the site, would like to proceed with planning but they regard Deputy Tadier's amendment as, for want of a better phrase, a roadblock. We are here to decide whether this small piece of land should be sold by the public. There are many little pieces of grass and little pieces of lawn that are in common ownership that are cut weekly by the public, by contractors for Property Holdings. Members will need to know that the common areas of Clos de Sables and Quennevais were transferred to Property Holdings by the Housing Department some time ago. It is up to Property Holdings to keep those areas neat and tidy and presentable. There is a cost to the public purse for these small areas. This particular area in question is quite small. It is an odd shape but its mean dimensions are probably about 10 feet by just under 30. It is not a significant piece of ground. Mr. and Mrs. H are minded to do nothing except carry on doing what they were doing which is using it as a piece of green grass on which they will probably put another trampoline. But it is subject to this Assembly agreeing it and it is subject then to whether Planning would allow it. We are where we are. I am sorry to take the Assembly's time on this but I really feel that it is very dangerous to bring this sort of for and against argument because this is almost turning into a neighbourhood dispute in this Chamber [Approbation] and I do not think we should be doing this. Mrs. B and Mr. and Mrs. H live beside each other. We have got to take that into account. The fact that Mrs. B has lived there for a long time and Mr. and Mrs. H have lived there for a long time, there may be a fracas frisson of tension but it is not up to this Assembly to resolve it. I am very reluctant to be making this speech today but I feel that we are almost splitting hairs here and I think the States should get out of stuff like this. [Approbation] I think it is a simple decision. Do the States want to sell a tiny piece of grass between 2 houses to one house where one house has

expressed an interest in buying it if they can afford it - if they can afford Property Holdings' price and I hope that is a reasonable price, Deputy Le Fondré - and another neighbour who does not want to buy this site. We are where we are. With all due respect to Deputy Tadier and his motives for bringing this amendment, I think it is inappropriate and I will have to oppose it.

12.1.3 Deputy R.G. Le Hérisier:

I was just going to build on what Deputy Power said. I would ask Deputy Tadier if he could withdraw it and there could perhaps be further discussions because I think to be fair to Deputy Tadier, he obviously has come here with the best of motives. He has been informed of one side of the case. We are now hearing being revealed to us another side of the case. I think we are the wrong people to decide. I would ask if perhaps the Deputy could withdraw it and Deputy Le Fondré could apply his considerable mediation skills sorting it out and coming back with something that does not have to lead to what it is leading to at the moment.

The Bailiff:

Does any other Member wish to speak?

12.1.4 The Connétable of St. Brelade:

Not wishing really to be a mediator between my 2 Deputies, I have to say there have been no communications on this issue to the parish whatsoever. I am not sure if Deputy Tadier is aware but of course not only the property alongside but also those opposite used to be in States ownership. I suspect this piece of land emanated or distilled from the disposal of the various properties around and about. A meeting which I attended with Deputy Tadier some months ago gave a clear indication from those living in Clos de Sables and Quennevais Park that they really valued their green spaces. I took that as understandable. But by that I read the green spaces as significantly large areas of green grass which exist throughout the estate which contribute to the ambiance of the area and which those residents are keen to preserve to, shall we say, retain the tone of the neighbourhood. I see nothing wrong with that. However, this particular tiny piece of grass I think does nothing to support that particular concept and, to my mind, would probably be better maintained in private ownership. I find myself with difficulty in supporting the concept of Deputy Tadier's amendment. The whole ownership concept of the properties in the area, I have to say is a bit of a shambles from the outset in that the parish of St. Brelade own and maintain most of the roadways. Some are maintained, as a result of the housing disposal to Property Holdings, by that department. Of course the green areas are maintained by T.T.S. for the Property Holdings Department. It is a little bit of an administrative nightmare. It is maybe something that I think as a result of the meeting we had at Communicare some months ago, something the Deputy and I would like to develop to the benefit of the residents locally. But with this particular small area I really cannot see any merit whatsoever in the States retaining it.

12.1.5 Deputy J.A.N. Le Fondré:

I think I better say something on the basis it is a Property Holdings matter at the end of the day. I suppose we are into the green, green grass, are we not? Of course the answer to Deputy Le Hérisier, of course we always try to be as reasonable as we can humanly be. The point has been made, we own a lot of these little strips of land around and although each strip generally comes at some form of cost, there is usually some form of maintenance attached to it, whether it is mowing or whatever it is. While the cost of each strip may not be much, effectively they mount up. Obviously as a general policy we do try and get rid of these things when we can. Essentially we were approached by the owner of one of the neighbouring properties - and I have to say I am getting uneasy at being kind of dragged into the details of whatever disputes are going on between which neighbour it is - the other neighbour was approached and does not wish to acquire even half of it. We see no reason for retaining it. I think the Connétable of St. Brelade and Deputy Power made those points very eloquently. Two comments for me to make. This is the kind of dilemma

we have from time to time. There are always wonderful reasons for keeping land but buried in the Business Plan there is a page with some large numbers on it in negative. I think it is around £60 million going forwards. That has to focus our minds in the future. Although this is not going to solve the problem fairly obviously, it is that kind of thing we are going to have to start dealing with, as to we have the “nice to haves” and we have got to start trimming some stuff down. This is a very, very small example of that. The main reason I thought I would stand, 2 matters that Deputy Tadier made a comment on; one in his amendment. He said he was I think dismayed that he had not been consulted on the matter. As Deputy Tadier is aware, particularly on the 99 year leases, when the matter is significant, we do consult. We consult until the cows come home but with the parish and the representatives. But I have to say in my view this was effectively a grass verge. It did not occur to me this was likely to be a problem. We are trying to get rid of these bits and pieces. We have done them in the past and I can never recall anyone having raised it as a problem in the past. Secondly, Deputy Tadier said where does the money go. I think it might be worth pointing out on page 99, which is the Summary Table F, Proposed Capital Expenditure Allocation, there is an amount of total proposed capital expenditure, £39 million roughly, less contributions from property disposal receipts, £4 million. That is where the money goes. It goes into Treasury to help balance the books in relation to capital expenditure. It is a very small element of it. It does not get ring-fenced for Property Holdings. They are going back into the general fund to fund other hopefully worthwhile projects. I hope that helps. I do think there is a slight inconsistency because we are dealing with one bit of land in roughly the same estate but oddly enough there have been no comments on the other bit of land that is up there as well. But I think most of the reasons have been expressed. I think we should reject this amendment.

12.1.6 Deputy P.V.F. Le Claire:

I will not be supporting the amendment on this occasion because I also will not be supporting the proposal. It was interesting to hear Deputy Le Hérissier saying that Deputy Tadier should be withdrawing this and he should not be bringing this, perhaps. But it is an amendment to the Business Plan that has been brought by the Deputy. So it is not the Deputy who has tabled this. It focuses our attention about whether or not ... and it is normally these sorts of things that focus our attention on whether or not the States should be involved with these types of petty issues. Absolutely. That is absolutely why I am standing up to speak because that is the message they want us to believe. All these petty things should just be chucked into Property Holdings and let them get on with everything. I have not yet gone through the report from Scrutiny in relation to Jersey Property Holdings’ proposal which was withdrawn by the Chief Minister but I had prepared a number of the Property Holdings companies that W.E.B. (Waterfront Enterprise Board) is going to transform into ...

Deputy J.A.N. Le Fondré:

If the Deputy would allow, a point of clarification. It is the Jersey Development Company which is nothing to do with Jersey Property Holdings.

Deputy P.V.F. Le Claire:

Jersey Development Company, and the proposals in the Jersey Development Company are to assign ownership of property and Jersey Development and were originally tabled in a large context away from and out of the hands-on approach that States Members have traditionally had some say in with respect of memberships on boards, et cetera et cetera. As I said, I have not read the Scrutiny report as yet but I am concerned that the underlying message from States Members in these debates is: “How ridiculous. We spent half an hour talking about this little silly piece of land 10 feet by 3 feet or whatever.” While I have some sympathy with that, I also think there is a couple of issues. One is that it is absolutely right that the States Assembly considers the disposal of public assets. I do not mind casting my eye upon these things and making sure we are doing the right thing. I think Deputy Tadier has come into something, approached it as a Parish Deputy should do, and he has

gone and he has hit the ground and he has done his research and he had knocked on the doors. Now, ironically, we have another Deputy, Deputy Power, the Assistant Minister for Housing, who has gone and found the same people saying 2 things at the same time. Who knows, maybe one of those is a politician? What I would say is, I would not want Members to think this is just how ridiculous things are and throw all of these things in the future into a non-elected governing body on disposal of assets because that is the underlying message that I think people try to use on this. These proposals were brought - I am told quite reliably when I met at the St. James Centre - to test the appetite for States Members in the disposal of public assets in the future, going ahead, because we have tough financial decisions to make. This is a teaser and all I am laying down in my speech is if this is a teaser, then fine. But the premise for chucking it all into the hands of people who are paid 10 times as much as the American President and letting them getting on and disposing it, it is shocking. So let us keep hold of these things. Maybe from time to time it will be a bit of a pain. Maybe from time to time it will become a little embarrassing but the vast majority of the public want to make sure the disposal of public assets is done with oversight from the elected representative.

The Bailiff:

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

12.1.7 Deputy M. Tadier:

Thanks to all those who spoke. I will take Deputy Le Hérissier's point first of all asking for this amendment to be withdrawn. I will not be withdrawing this amendment. If anyone is to withdraw, it is the Council of Ministers. It was in their Business Plan. If it has been said that this should not be discussed by the States then it should not be in the Business Plan. I would question if a small piece of land, if it is so insignificant, whether it needs to be in the Business Plan at all. That is, perhaps, a consideration for another day but, certainly, I think it is a valid amendment to bring and I am bringing it just as the Deputy is opposing it. There is a French saying: "Qui vole un oeuf, vole un boeuf," which literally translated into English would mean: "He who steals an egg steals a cow," or a bull, because it is masculine. So that is to address Deputy Le Fondré's point. We are just talking about a small piece of grass here. We may well be talking about a small piece of grass but it is the principle which is at stake. If I were talking directly to Property Holdings rather than through the Chair I would say to them: "What business have you got selling a piece of land in Clos des Sables that does not have any meaning to you?"

The Bailiff:

No, you must address through the Chair, please.

Deputy M. Tadier:

I am speaking through the Chair.

The Bailiff:

No, you are not. You are speaking directly. Speak through the Chair.

Deputy M. Tadier:

I am presenting a hypothetical situation.

The Bailiff:

Yes, well do not do it. Speak to the Chair.

Deputy M. Tadier:

So I would say to them: "What business have they GOT got selling a piece of land in Clos des Sables?" which they have never seen or, indeed, I would apply that to Members here. How many Members here have seen this piece of land that we are talking about? Okay, a couple of you. A

few of you. But most of you ... so presumably you are all going to be abstaining on this? You have never seen it. Members probably did not even hear about this ...

The Bailiff:

Members are all going to be abstaining.

Deputy M. Tadier:

... until today and you are being asked to make a decision.

The Bailiff:

Deputy, 3 times now in one short speech I am having to remind you, please address people in the third person. Those are the rules of the Assembly. Please stick by them. [Approbation]

Deputy M. Tadier:

Thank you, Sir. I accept that direction. It was not deliberate. So something which is in the report and which I did not necessarily bring out is the situation of this piece of land. It may be a small piece of land. It is on a corner. It is on the corner as you come up to enter Clos des Sables and turn into the Les Quennevais School. It is a very busy corner in the mornings when buses and cars and cyclists and pedestrians and small children are crossing the road. It forms a corner. Now, presumably, if someone wishes to buy a piece of land they would also wish to build a fence around that because it is theirs, to home it. That is quite a reasonable thing to want to do. One of the reasons people have been sceptical about the sale of this piece of land is because they do not wish a fence to be erected whether that be a 3 foot fence or a 6 foot fence, as is currently there. I did mention it earlier, incidentally, but there is some speculation that the fence has been moved forward 2 feet further than it should have been already but that is an issue for another day. So it is very dangerous to build a fence on this area because it will become, effectively, a blind corner and if Members ... I will give way.

The Connétable of St. Brelade:

If I could thank the Deputy. Just to clarify from a point of view of any development or fence or anything that might take place on that corner which would affect the egress of the estate road that would be passed over by Planning, passed by the Parish Roads Committee who have definite sight line requirements beyond which we will not accept. So I think that is fairly well controlled.

Deputy M. Tadier:

Of course it was, just like the fence, presumably, which is 2 foot away creeping on to public property has also been addressed. The simple issue is, if somebody parks a car there even that is going to block the view. Even a small fence. Anything in there. Trampoline. Trampolines do go on there at the moment. If this gentleman, Mr. H., does want to put a trampoline there and he has kids jumping up and down there, that is also going to affect visibility. So that is one of the reasons. I was also informed by the resident of 107 who simply could not buy the property ... and the trouble is when we talk about consultation, they were asked if they wanted to buy the land. That is what passes for consultation. Not whether they thought the land should be sold. No one ever went up to the neighbours at 107, 108, 109, 106, et cetera et cetera, and asked: "Do you think this piece of land should be sold?" If they did, they answer probably would have been: "No." That is certainly what I have been getting back. The answer would be: "No, we do not think it should be sold." But if you ask the question: "Do you want to buy this piece of land?" and someone says: "No," and the other person says: "Yes," then to simply say that the whole area has been consulted is at best misleading. If you do not ask the right question you simply do not get the right answer. Now, with regards to the petition, it makes interesting reading because it starts off ... the first 5 addresses are not even in Clos des Sables. We have got Elizabeth Avenue, Elizabeth Avenue, Elizabeth Avenue, Elizabeth Close. There are some in Clos des Sables, some of which are not even anywhere near the property, some of which have been signed by residents, husband and wife. Then we carry on ...

Deputy S. Power:

Would the Deputy give way? I gave the Deputy the other petition so that I was being open and honest with him, not for him to analyse it again in the public arena. I do not think that is correct. The other point is, if I may be allowed to say, is that Property Holdings were approached to sell this land. There was no intention on them to sell the land until they were approached by Mr. and Mrs. H.

Deputy M. Tadier:

That may be but if we are talking about transparency, I think I have been fairly open with the Deputy myself. I did make sure I gave him a list before lunch and I said: "These are the people that contacted me." They are not people that I have approached. They have contacted me. I said I would like to see this petition because I did want to have a balanced debate and I think that is important and I think it was on that request that Deputy Power did seek the petition and I thank him for that. But I think it is relevant to the debate that we know ... I am not reading anyone's name out. I think if half the names come from people who do not even live in the estate I think it is relevant to the debate. Suffice to say, I could have probably gone around and got 100 names if I wanted to because if you turn up to someone's house and say: "Will you sign this petition?" they do not do it on any political basis, they usually do it because they are a friend of the person in question and they say: "Sure, I will sign that piece of paper for you." It is much more difficult to oppose something because it is not the easy thing to do. So I would suggest that the people who have had the courage to stand up and say: "I am a friend of Mr. Harris but I do not think this piece of land should be sold." I think that would have more weight in debate than simply ...

The Bailiff:

Deputy, I am sure it was a slip. You have been very good up until now in not referring to the individuals by name but I am afraid you did then.

Deputy M. Tadier:

Thank you, I did not realise. So to sum up, I would say as the French say: "Occupes-toi de tes oignons de l'oignon." Hopefully, that is not circumventing the Chair, but it is more difficult to do it in French. "Look after your onions," as the French expression goes. I do not think Members have any business fooling around here in St. Brelade. It is a piece of land which does not belong to Members as such. It belongs to the people of Clos des Sables. It was a mistake for it to even be considered to be sold. Effectively, it does belong to the people of Clos des Sables. It is put there for their benefit, ethically and morally. It does. It is put there for their benefit and I have had someone ride across the road who said: "I enjoy looking at that piece of grass. I used to watch the children play on that piece of grass. It is an asset to the community." But I do echo the comments of Deputy Power. It is unfortunate that this has had to be brought to the House. It should never have been in the Business Plan in the first place. It should not have been being sold off and I am quite happy to take my chances at the next election.

Deputy R.G. Le Hérissier:

I wonder if I could clarify a point? In no way was I suggesting apropos what Deputies Le Claire and Tadier said, that this was a trivial matter. I was simply suggesting it be withdrawn in order to deal with the fact we have 2 conflicting stories and can someone sort them out.

The Bailiff:

The matter before the Assembly is the amendment of Deputy Tadier, the eighteenth amendment. I invite Members to return to their seats for the appel and the Greffier will open the voting. Have all Members had an opportunity of voting? The Greffier will close the voting. The amendment is lost, 6 votes pour, 33 votes contre and one abstention.

Deputy M. Tadier:

You might as well ask the 6 and the 1.

The Greffier of the States:

The 6 members voting pour: Senator Breckon, Deputies St. Martin, Southern, Tadier, T. Pitman and De Sousa and the Connétable of St. Ouen abstained. [INSERT VOTE TABLE]

POUR: 6		CONTRE: 33		ABSTAIN: 1
Senator A. Breckon		Senator T.A. Le Sueur		Connétable of St. Ouen
Deputy of St. Martin		Senator P.F.C. Ozouf		
Deputy G.P. Southern (H)		Senator F.E. Cohen		
Deputy M. Tadier (B)		Senator J.L. Perchard		
Deputy T.M. Pitman (H)		Senator S.C. Ferguson		
Deputy D. De Sousa (H)		Senator A.J.D. Maclean		
		Senator B.I. Le Marquand		
		Connétable of Trinity		
		Connétable of St. Brelade		
		Connétable of St. Saviour		
		Connétable of St. Peter		
		Connétable of St. Lawrence		
		Connétable of St. Mary		
		Deputy R.C. Duhamel (S)		
		Deputy R.G. Le Hérisssier (S)		
		Deputy J.B. Fox (H)		
		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.S.P.A. Power (B)		
		Deputy K.C. Lewis (S)		
		Deputy of St. John		
		Deputy A.E. Jeune (B)		
		Deputy A.T. Dupré (C)		
		Deputy E.J. Noel (L)		
		Deputy T.A. Vallois (S)		
		Deputy A.K.F. Green (H)		
		Deputy J.M. Maçon (S)		

13. Draft Annual Business Plan 2010 (P.117/2009): paragraph (g) - as amended

The Bailiff:

That concludes the amendments to paragraph (g) so we now return to the debate upon paragraph (g) as amended. Does any Member wish to speak upon paragraph (g).

13.1 The Deputy of St. John:

As said this morning, I have concerns and I said again this afternoon that public property than can be used for building should be sold out of the portfolio. Public property that has been donated to the Island should be sold out of the property portfolio and I hate to think that if a member of my family had left something to this Island that a few years down the road it would be turned into liquid cash that could be wasted in other areas. I would hope that the recipients, that is, the people of Jersey, would make sure, as we are the guardians for the people, that those properties were

enhanced and not disposed of. In particular, the Library Place property which was a gift and, as I said earlier - and I sincerely hope it is an S.S.I. (Site of Special Interest) - that we should be enhancing that property and taking it into the soul of the States as part of the ... whether it be for a library for the lawyers or whether it be a library for the Members but it should be in use given its proximity to the Chamber.

13.2 The Connétable of St. Brelade:

While I am obviously in support of disposing of unnecessary property, I do raise concerns as I have done with Property Holdings regarding the disposal of Pine Ridge at Bellozane principally because it was originally purchased as part of the bad neighbourhood policy and my department is discussing its ongoing liquid strategy policy which may involve changes down at Bellozane. I would urge Property Holdings in their considerations when it comes to disposing to ensure that conditions are put in place to allow my department to continue with the development down in Bellozane in an unfettered sort of manner. Secondly, with regard to the disposal of the South Hill offices in which I have a bit of an interest at the moment, I would like to see clearly, as I am sure many other Members would, that the cost of the creation of replacement offices is not going to outweigh the value received by its disposal. I am sure that is achievable but I think it is a subject which many Members would like to see discussed first.

13.3 Senator A. Breckon:

I wonder if I could just ask the Minister for Treasury Minister and Resources on some points of procedure? I wonder how the matters that are included, or the properties included, are prioritised because we have just had a debate on a grass verge, in effect, and then the Sunshine Hotel was taken out. So could not a little bit have been done by a Ministerial decision with a 15 day thing rather than being in here? I wonder how things appear on here, whether they are put in because they are emotive or not or how that happens. The other thing is, is there a list anywhere that Members can see what we own and what we rent because the last time I requested this I was told I would have to sign the Official Secrets Act. I did not know there was one but I was told I could not be told. That is what I was told: "You cannot be told." I wonder if the Assistant Minister could expand on that?

13.4 The Connétable of St. Ouen:

I would just like to refer to the points made by the Deputy of St. John and maybe I do not agree with him because I think we need to look at the other side of the coin and that is, if property has been bequeathed to the Island for the good of the Island, surely we, as a Chamber, need to be the body that decide how that value is best achieved.

13.5 Deputy G.P. Southern:

Yes, I too am reluctant to back this particular part of the plan because it seems to me that it is very short sighted to start selling off the family silver in a time of recession and I think that is what we are doing. So I cannot find myself able to support this particular section.

13.6 Deputy J.A.N. Le Fondré:

I will try and wrap up some of the comments that have been made briefly on the Property Plan. I suppose, in fact, I am very grateful for Deputy Le Claire and his request earlier on about getting across the principles, perhaps, to States Members of what we are trying to do because it is certainly the case that we do have to try and sit down. I know we have had discussions with one or 2 Members about the problems that face the States portfolio full stop. This is the whole dilemma about how much land do you hang on to? Is it better utilised? Can we get a better return for it, et cetera et cetera? I do go back to the point we have severe financial problems ahead and this is one of the solutions that will assist towards resolving that problem. It obviously will not solve it but it will assist to mitigating the problems we have ahead. Using the examples, and I think probably one of the best or worst examples we have in front of us is things like the Le Seilleur Building on the

site of the Town Park. We have had various options and this is where you do have to stand up and pay tribute to Mr. Le Seilleur and I have become much more fully aware of the nature of the estate that he left, predominantly, to the Health Department at the time and it is quite a significant estate. There are 2 funds, at least in Health. One is the Le Seilleur Fund and one is the Bailhache Fund and they all consist of properties that are used by Health to generate returns for present use for the Health Department. So there is a significant value attributed to the gift. However, to use the Le Seilleur Building, what I refer to as the Le Seilleur Building in Oxford Road particularly, the difficulties were that particular building was not in a brilliant state when it was passed on to us, to the public, and in addition it was left under very, very specific conditions. I cannot exactly cite them but it was along the lines of: "For the needy and the elderly" or something. The difficulty there is there are 3 conditions and they are all of them and so in order to utilise that building, it has to be all 3 purposes. You are getting into a very, very limited representative of the population who can use that building. However, legal advice that was received - and I thought we had a variation on it recently but then I checked up and we have not done - is that if you sell that building and keep those funds for those purposes it is far easier to use. The problem we have at the moment is there has not been funding for the building, there have been various debates and it was brought forward at least 3 years ago to this Assembly, and for various reasons the Assembly decided not to support the proposal at that time so the property continues to degenerate. I have to turn around to them and say in particular instance I do not think that is very good recognition of the gift that was given to the Island. On the other side where we have, I believe, sensitively dealt with certain scenarios is Howard Davis Farm. Although there are always ongoing issues in terms of trying to get matters resolved up there, I would suggest that Howard Davis Farm which was left to the public of the Island and taken on by the public under certain conditions, those conditions and one of them was in relation to basically the advancement of agriculture, I believe it was, particularly encouraging the youth, I believe, into agricultural science. That was in about 1920 when the agricultural industry was at its peak and, obviously, here we are in what some people refer to as the "noughties," 2009, when obviously agriculture is in a very different shape. So sometimes the use of buildings have changed. Now, Howard Davis Farm we were able to ... and I think the expression I used at the time was: "I literally travelled to the ends of the earth," because I eventually went down to meet ... we traced the descendants of T.B. Davis, we tracked them down to Cape Town, and because one of them was, I think, an 80 year old lady, she may shoot me if I have given her age at the wrong level, but obviously, we had to travel to her rather than her travelling to us from the point of view of trying to resolve the variations we wanted to do on the covenant which came through as a Law presented to this Assembly. So what I am trying to get to is that there are times when buildings are left to the public and their uses change. Sometimes those uses can be tweaked and changed with the consent of this Assembly and we can carry on using them. Other times we have to make a call and say: "That use is now no longer there and there would be far better benefit to the wider public to sell it and move it on." In the likes of using a heritage building, we will use Library Place as an example, it is a listed building. It is an S.S.I. Therefore, the protection for that building goes with that building. It does not go with the ownership. The interesting thing about that particularly building because I obviously did do a bit of digging into its history, is that the basis for the building was to house the book collection that Philip Falle wanted to leave to this Island because it was the first one and you are going back to William III, that is William and Mary of Orange, the days of the Glorious Revolution and this sort of stuff. It is 1750-ish. Now, the point is, those books have followed the libraries. They have gone to what I would call the "old" library which is the one 2 blocks down here from the Royal Square, and they have then gone to the "new" library and they are there and, for the sake of argument, there is I think a first edition of *The Further Adventures of Robinson Crusoe* in the collection, or something.

Senator P.F.C. Ozouf:

Can I ask the speaker to enter into a little bit more detail if possible? [Laughter]

Deputy J.A.N. Le Fondré:

I will be quick but the point is there are decisions one has to make about how you treat the gift to the Island and how you respect it and different buildings have different conditions attached to them and so sometimes you turn around the different attributes perhaps and sometimes you have to make a judgment call and that is what we are trying to do. You will be pleased to know that is the end of that particular one. I hope that answers the Deputy of St. John's points. The Connétable of St. Brelade, yes, we can definitely conditions on Pine Ridge and make sure bad neighbours do not become a problem, as it were, and again, as we have always said, we will continue to consult with the relevant departments before a final decision is made by the Minister or by myself on his behalf. I think probably covers the points that have been made.

Senator P.F.C. Ozouf:

Can I ask the Assistant Minister to deal with the Sunshine Hotel and the reason why it has been taken out?

Deputy J.A.N. Le Fondré:

Yes, but I did deal with that this morning. Hopefully, if I have not answered anybody else's queries they can follow me later on and I hope we do support this part of the Business Plan.

13.7 Deputy P.V.F. Le Claire:

Once upon a time, pot kettle black, as pointed out by Senator Perchard. I do and have been accused of making long speeches although I cannot remember any. [Laughter] Nor can anyone else. I have purchased a rack of medium ties for this year and hope to make my speeches relative. I am just wondering if we have missed a trick in the Scrutiny perspective. I know we have a job to do in relation to Scrutiny in relation to legislation but I am just wondering whether or not we are missing a trick here or whether there is a department of Scrutiny or Scrutiny Panel that could be taking on board these things, tasking them in front of the different panels with the different responsibilities from an environmental perspective, how does it add up that we keep these buildings? Because I think we have all been in silos in the past and it is interesting in this debate that because of the fact that the Minister for Education, Sport and Culture Minister is now going to do an audit of what this department needs we are not going to dispose of the library which we have heard about to some extent this afternoon. That has been the problem. Most States departments have hoarded their property with jealous guarding and I think we do need to move away from it to downsize the buildings and downsize the costs and free up the use. But I think there is a great problem with a lot of what the ... luckily, the Sports, Education and Culture Department has agreed to do this because there is a lot of area that it is occupying or has occupied particularly places like Fort Regent and other areas where you see things like Girls' College go by the wayside. I was at St. James Centre discussing the steps and the scaffolding on Friday with Deputy Le Fondré and the officers from Property Holdings and it is a bit of a shame, really, when you think about how much space the States have and how much of it is under used and how expensive it is for start-up businesses et cetera et cetera to get access to these places when, as I said before, I was told by the director of Property Holdings on Friday in answer to my concerns earlier in this debate that there is no way we could put guardians into the Girls' College now because it is too dangerous to enter. It is too dangerous a building to enter. That is a shocking state of affairs, to have that building now described as too dangerous a building to enter. If you drive past it you look at the broken windows and everything else and that is a shocking way to look after an historic building within the Island. We are concerned about the library buildings and everything else and the money it costs to throw light on Victoria College to maintain security and yet we have nothing happening about a wandering patrol about some of the most valuable property and God forbid there be a fire there and the building would burn down. It is really just appalling. So that is the end of the speech. Maybe perhaps Scrutiny has a role to play in this in the future.

13.8 Senator S.C. Ferguson:

I am glad Deputy Le Fondré mentioned Howard Davis Farm because my Public Accounts Committee, in fact, my vice-chairman, you will recall called it in. That was a matter of the value assigned to the disposal. However, we have been promised a Strategic Property Plan and an Office Strategy. These are documents or policies which the Corporate Affairs Panel, obviously, will scrutinise but where are they? I do get the feeling that these sort of debates would be a great deal easier for Members to understand if we have the basic plans and strategy against which to measure them. So I would ask the Minister for Treasury and Resources Minister: “Where are the Strategic Property Plan and the Office Strategy?” Is it an Office Strategy Plan? I do not know, but where are they? Give us the information. Give us the reports. We can scrutinise them and the whole Assembly can understand where we are going.

13.9 The Connétable of St. Mary:

I apologise for my voice in advance. Twelve months ago I sat in this Assembly to ask questions of the previous Minister for Treasury and Resources Minister regarding consultation. At that time I was talking about consultation with the parishes and with the National Trust prior to disposals. I was assured at that time that consultation had taken place and would continue to take place prior to disposal and I was reminded that the Property Plan, if accepted, gave permission to sell, it did not necessarily mean it would be a requirement to sell, that it would definitely go ahead and, in fact, I know the words the now Chief Minister said: “It does not mean that we are going to dispose of all of them tomorrow.” I would just like the present Minister to reconfirm his support for consultation especially with the parishes when parcels of land come up for disposal. Also, I would like to add consulting with other departments. We have had the D’Hautree School issue resolved but I have heard from the Minister for Transport and Technical Services Minister during the earlier speeches that he has concerns about Pine Ridge and yet looking at what is on page 238 of the plan, it says: “There are no operational States departments or other stakeholders to consult.” I find that to be strange, when the Minister for T.T.S. himself has said he has concerns. So I restate what I said last year. At that time I was assuaged by the Minister who told me consultation had taken place and would continue to take place. Here I do not see that consultation having occurred in at least one and, taking on board the school issues, 2 of these sites. So I would like further confirmation from the Minister that no sites will be disposed of unless the departments concerned and other interested stakeholders have been given a chance to voice their concerns.

13.10 The Deputy of St. Mary:

Just quickly following on from my Constable with a similar question but in a different area to the Minister. It does concern me that the target is ... I know it is a rolling target and so on, is to dispose of 4 million worth of property each year in order to fund the capital programme and it really concerns me and I want him to confirm that he would not be doing that in a time of recession when it is a bad time to sell and, therefore, you would not get anywhere the full value of some of these sites. So in that event, the £4 million is still needed. Will the Minister for Treasury Minister and Resources find other ways around the problem than selling the family silver off cheaply?

Deputy J.A.N. Le Fondré:
May I answer a point of clarification?

The Bailiff:
Is it to clarify something?

Deputy J.A.N. Le Fondré:
A point of clarification has been requested from the Connétable of St. Mary. Well, all it is, is to look on page 83 of the Business Plan which says, depending how you read it, but it does say: “Full consultation will take place with occupiers before any proposals are recommended to the Minister.” I hope that does assuage some of her fears.

The Bailiff:

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

13.11 Senator P.F.C. Ozouf:

I thank all Members who have spoken. I will deal first, if I may, with the subject of consultation. I first of all want to absolutely commit to the Constable of St. Mary on consulting the parishes. I hope that there is a strong working relationship between the Treasury and the Connétable working with the Connétales at the moment on affordable homes and providing, potentially, finance. I commit to the Constable of St. Mary and her colleagues that we will consult and undertake to consult on any disposals prior to them being made. Particularly, if there has been an error in relation to consulting, for example, St. Saviour in relation to D'Hautree, then I apologise for that and we will ensure that does not happen again. I will politely say to my fellow Ministers that I will that all Ministers were consulted on the disposal list. I do accept that was a consultation on an email ... I will give way.

The Connétable of St. Brelade:

With respect, the day before is just not sufficient. [Laughter]

Senator P.F.C. Ozouf:

I do not know how quickly the good Minister reads his emails but I think that there was some consultation. Clearly, the Council of Ministers has some work to do in relation to getting a joined-up process with property disposals. I accept the point that the Connétable rightly makes about consulting about the liquid waste plans before selling Pine Ridge and there is a commitment to do so. That will be done. I think that Members can see ... I think the point that Senator Ferguson and others were making, and I think it was Deputy Le Claire, about departments and Ministers wanting to hold on to property. It is difficult because there is a changed world in relation to property. It was Deputy Le Claire that said the point. I apologise to Deputy Ferguson. We have to make best value and we have to get value out of all States assets and there has been, I am afraid, a far from glorious history of departments formerly committees, this Assembly, not looking after States property. Jersey College for Girls, D'Hautree, Fort Regent, these are all examples of extremely poor property decisions. I am not picking on Education, Sport and Culture but they happen to be all within there [Laughter] and I will say to the Deputy of St. Ouen and his Assistant Ministers that we are going to deal with D'Hautree. We are going to deal with their property plans but we are going to be tough about it because we cannot have a situation whereby departments are holding on to property assets that could be released for investment into other services. That is a conversation that Property Services is going to have to have with all States departments because that is the challenge that we have to deal with; releasing money for investment into areas that this Assembly delivers as a high priority and that is going to be a difficult and in some cases an uncomfortable for different departments to be. But they are going to be asked to release property for investment in higher political priorities. I think this Assembly is dealing with difficult situations that have been bequeathed to it by previous Assemblies where, for example, schools have moved and there has not been plans in relation to using that. It is not good but this Assembly and I am determined to make better value out of all States property. I would say to Deputy Southern that it is easy and it is a cheap shot to say about selling the family silver. If the family silver is about investments, then maybe 900 years ago families would keep their investments in silver but good families and sensible families hold their investments in other investments, too. It is a cheap shot simply to say that it is selling off the family silver. That is all I will say about that. To Senator Ferguson who rightly asked me about property plans and, specifically, the office strategy, she is absolutely right to press for a plan. I have not made ... and I think that Deputy Le Fondré and I would be as one in saying that we have not made the progress that we would want to have made in relation to dealing with the office strategy. That will come, I hope, in the next few months with an overall holistic view of finding a solution to a single site for States offices and a much more efficient use of States offices.

It is not only simply about money, it is also about the working environment of which our public officials and servants are expected to work within. South Hill is not a good working environment for anybody and I think we can do far better for the people that work up at South Hill and I would also hope that we could release that land for much needed residential and I hope very beneficially remunerative residential accommodation to perhaps invest it in other areas of social rented housing elsewhere. I think that I have answered all the questions that individual Members have raised unless there is any Member that wishes to ...

Deputy D.J. De Sousa:

There was something that you did not answer, sorry.

The Bailiff:

Through the Chair.

Deputy D.J. De Sousa:

Sorry, there was something that the Minister did not answer that was asked. I cannot remember which Member it was. [Laughter] I can remember the question but I cannot remember which Member it was that did say about States Members not being aware of exactly what properties are held by Property Holdings and that we should all have access so that we can know what we are talking about.

Senator P.F.C. Ozouf:

I apologise. I would say that the Deputy of St. John is a little unfair when he is on his feet in this Assembly and I would refer Members ... if Property Holdings are not co-operative with Members, then I would refer them to the very thick answer that was provided a few weeks ago in relation to public land and parking spaces that I think the Constable of St. Helier congratulated Property Holdings on doing. Property Holdings administers vast swathes of Island land and land owned by the taxpayer. We have made significant progress in recent years in documenting and getting all that land known and documented and made available. When questions are asked, Property Holdings do their very best to answer those questions. But is there one central data base of all land that somebody can go and have a look at? I am not sure that exists but if Members are interested in engaging with Property Holdings and with the Treasury Assistant Minister for Treasury and Resources in relation to property matters then that is something that is welcome because there are going to be some very difficult decisions for this States to take in the next 12 months or so about prioritisation and there are going to be some sales that are going to be proposed in future business plans in order to allow for investment.

Senator S.C. Ferguson:

The Minister has not told us ... I did ask: "When can we have the Strategic Property Plan and the Office Strategy Plan?" When can we expect to see those?"

Senator P.F.C. Ozouf:

I hope that the office strategy will make significant progress within the next 6 months. I will be the first to engage with Corporate Affairs in the drafting of that before this comes to the Assembly. What I do not want to do is I do not want to have time wasted on exploration of office centres at J.C.G. (Jersey College for Girls) et cetera et cetera. I want a meaningful plan that is capable of being implemented before I start proposing highfaluting plans but progress will be made within the next 6 months.

The Deputy of St. John:

I would just like to know why the Minister zeroed in the previous remark to myself when, in fact, it should have been to Senator Breckon?

The Bailiff:

Very well. Is the appel asked for? The appel is asked for in relation to paragraph (g) of the Business Plan. I invite Members to return to their seats and the Greffier will open the voting. Have all Members had an opportunity of voting? The Greffier will close the voting. Paragraph (g) is adopted, 32 votes pour, 10 votes contre. The 10 votes contre?

The Deputy Greffier of the States:

The 10 Members voting contre: Senator Breckon; Deputies Martin, Southern, Le Claire, St. John, Tadier, St. Mary, T. Pitman, De Sousa and Maçon. [INSERT VOTE TABLE]

POUR: 32		CONTRE: 10		ABSTAIN: 0
Senator T.A. Le Sueur		Senator A. Breckon		
Senator P.F.C. Ozouf		Deputy J.A. Martin (H)		
Senator F.E. Cohen		Deputy G.P. Southern (H)		
Senator J.L. Perchard		Deputy P.V.F. Le Claire (H)		
Senator S.C. Ferguson		Deputy of St. John		
Senator A.J.D. Maclean		Deputy M. Tadier (B)		
Senator B.I. Le Marquand		Deputy of St. Mary		
Connétable of St. Ouen		Deputy T.M. Pitman (H)		
Connétable of Trinity		Deputy D. De Sousa (H)		
Connétable of St. Brelade		Deputy J.M. Maçon (S)		
Connétable of St. Saviour				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy of St. Ouen				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy I.J. Gorst (C)				
Deputy A.E. Jeune (B)				
Deputy A.T. Dupré (C)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy A.K.F. Green (H)				

14. Draft Annual Business Plan 2010 (P.117/2009): paragraph (h)

The Bailiff:

Very well. Then we come to paragraph (h) of the Business Plan and I will ask the Greffier to read paragraph (h).

The Deputy Greffier of the States:

(h) To approve the legislation programme for 2010 as set out in part 3 of the Report Summary Table K, pages 105 to 108 of the report.

14.1 Senator T.A. Le Sueur (The Chief Minister):

Back to me now for what I am sure Members will be pleased to know it is the last part of the Business Plan proposition which deals with the allocation of the States resource of law drafting time. This year the programme is presented in a slightly different way. It now shows more accurately the work that is expected to be done during 2010. It recognises it as a major project and may, in fact, take more than a year to deliver. So it includes some projects already in progress on which work will be continuing next year. As always, new projects have been assessed having regard to their financial and manpower implications. I think that sometimes these are underestimated at the time and it is only later that they come back to bite us and I do want to ensure that those implications are properly assessed from the beginning. This year we have considered more carefully whether a project is likely to be able to start during 2010. Sometimes in the past we have put forward legislation proposals and then found that either they were not needed or they could not start at the right time and that, I suppose, was inevitable because we are doing this Business Plan in advance of the year when the law drafting will start. Now the programme is reviewed on a quarterly basis to make the best use of law drafting resources, to make sure that they are used on the projects of the most immediate importance to the States and projects which are of lower importance may be deferred. Emerging issues will arise which need urgent attention and in each case with the resources we have got, it is up to us to make the best use of them. The proposed programme for 2010 is shown on page 105, table 8, with details within that and other details in the annex. Again, there is just one amendment to this proposal: that I propose the legislation programme for 2010.

The Bailiff:

Is that seconded? [Seconded] Very well. Now, there is one amendment to paragraph (h), that is the sixth amendment lodged by Senator Breckon, and I will ask the Greffier to read the amendment.

15. Draft Annual Business Plan 2010 (P.117/2009) sixth amendment (P.117/2009 Amd.(6))

The Deputy Greffier of the States:

Page 3 paragraph (h). In paragraph (h) after the words: "Pages 105 to 108 of the report" insert the words: "except that for the following items described in section 112, Economic Development Department, a New Plant Varieties (Jersey) Law 2000 to protect rights in newly-developed plant varieties", there be substituted the following item: "A new Financial Services Ombudsman Law."

The Bailiff:

Senator Breckon? Well, perhaps just before we had better just clarify with the Chief Minister.

Senator T.A. Le Sueur:

Sir, this is being opposed.

15.1 Senator A. Breckon:

Perhaps I should explain, really, because it looks a bit strange because I am proposing to remove something from law drafting and put something in and the reason for that is an individual Member does not have any law drafting time allocated so, in order to get some, you have to take something out and that is the system that we have. I have been here before on a number of occasions, I proposed taking out the Licensing Law, and it was argued at the time the difficulty you have for an individual Member to propose taking something out then the world will stop turning for that particular Minister and it must stay in. So I am sure we will hear that from Minister for Economic Development but I am not here to make that case. But with the Licensing Law in particular, of course, it is still not there and I was told at the time: "It must stay in because it is so imperative we upgrade the Licensing Law, going out consultation, blah, blah, blah" and of course it never happened. Similarly before when I have done it with, in effect, limited liability partnerships, again, the world was going to stop turning and of course it did not happen for about 2 and a half to 3

years; it did come but not when it was said at the time. So that is the situation; as I say, for an individual Member to get something in, something has to come out. But, as I say, I know very little about new varieties of plants although I do know the difference between most flowers and weeds but I do not think that is it. But just to show that there are some inconsistencies with where I am with this because, on page 105 at the top, it says, and this is under the legislation programme: “Where indicative matters are listed, these may not have been allocated drafting time. They may be added to the programme by the Council of Ministers when the policy is sufficiently developed, when the financial and manpower implications are fully established and any funding identified and when there are both departmental and drafting resources ready to proceed.” In other words, any Minister or the Council of Ministers can chop and change and put things in or out where the rest of us cannot. We could well have something debated before this House and it could be frustrated if a Minister or if officers did not want to swallow that particular pill. Believe me, they could delay that or they could frustrate that and I think that has probably happened in this case. To demonstrate that, the Minister for Home Affairs the other day just mentioned his own particular dilemma when he gave an extensive list of things that are applying his mind and how they would be allocated and given priority. But having said that he has that, if I may call it, a luxury; albeit it is a difficult task and he has some juggling I think he said to do with that. But then it is not in this list and it can be changed where, as I said, an individual Member cannot necessarily do that. I would like to just quote from a number of things because, first of all, I would like to look at this legislation about the new varieties of plants and the reason I say that is there are comments in there from the Council of Ministers, presumably from the Minister for Economic Development, and to me they seem very, very lukewarm. I do not think this New Plant Varieties is going to happen. If I was a gambling man, I might be tempted because it says in there: “The intention is to enable Jersey to ask the U.K. Government to extend ratification of the T.R.I.P.S. (Trade Related Aspects of Intellectual Property Rights) part of the World Trade Organisation and the Paris Convention to include Jersey.” That does not sound to me something that is going to happen very quickly and it goes on to say: “It is recognised, however, that the extension of T.R.I.P.S. [this is the thing to do with intellectual property] may be difficult to achieve and that there are some matters to resolve around appropriate registration systems, particularly for patents and registered designs for Jersey to adopt the Paris Convention. However, it is believed that it is important for Jersey to keep its options open in respect of T.R.I.P.S. and the Paris Convention.” I would describe that as being very inconclusive and I am not sure that that will happen at all. The other thing is that this New Plant Varieties requests 2 members of staff to do the work. I am not sure how much exactly it is of a burning issue but the other thing is, from previous debates again back to law drafting, this is from Hansard of 14th September 2006 and it is from the then Senator Walker, and this was in summary to a very similar debate to this: “I will try to be as brief as possible, particularly because I am grateful to a number of my Ministers for answering a number of the points that were raised by Members. I hope certainly that Deputy Breckon will agree that Senator Ozouf gave him a satisfactory response and, indeed, those others who raised the question of the financial services ombudsman. I do endorse what has been said: there are 2 very complex pieces of legislation causing Members concern today, one is the ombudsman, the other is the share transfer scenario but they are very complex and I think Members will have to accept that, in this case, some laws can be drafted very quickly, some have to be taken up, and necessarily take up a great deal of time, but I can assure Members that both the ombudsman and the share transfer law are high on the priority list. I do say that both should be possible to come through in 2007 but we are in the hands of our law officers and the law draftsman here. There is no political barrier to bringing them forward; in fact, there is a great deal of political support but, as Senator Ozouf said, we have got to get these complex laws right or else we risk unintended consequences which this House would not wish, I think, to face up to.” That was said then; now there were promises that were made ...

Male Speaker:

Could I ask the proposer who said that, please?

Senator A. Breckon:

Senator Walker, the former Senator Walker said that. That is not the only time; in November/December 2005, I cannot remember exactly when, when we moved from committee to Ministerial, again I brought an amendment and, rather unwisely, I withdrew it when I got promises from the then outgoing President of Economic Development that it would be handed on. A vote was not taken; I think there is a lesson there for all to learn from. The first issue would be the law drafting time, flowing from that and who allocates that, who decides. Is it this House or is it a priority that has come from somewhere else, be that officers ... and occasionally there will be things that are emergencies, it could be something like Foot and Mouth or Swine Flu or whatever it is; there might be something where something has to leap in there. I remember Home Affairs years ago were involved with anti-terrorism legislation which was done fairly quickly but it had to be done at that time. I hope Members will see that it is no easy task to amend the actual law drafting programme because you have to offer something up which, again, we might be arguing about plants which, as I say, I do not know that much about. Why then would I want to take this out and put something else in? The reason I want to put a financial services ombudsman in is I believe there is a need for it. The Isle of Man boasts that it is the only offshore centre that has got one and they serve people in and outside the Island. Personally, I am aware of people in Jersey who have been mis-sold endowment policies, mis-sold pensions; the performance and the promises that were made. Also there have been problems, and still are, with bank charges and personal protection insurance on loans. There are many issues in which I believe an ombudsman could get involved. It is not the first port of call, I will mention that in a minute or 2, but the presence of one and his or her awareness of that, focuses people's minds and helps them resolve their own disputes. But if you look at it from an individual's point of view if you are going to take on a financial institution with a legal department resource to action this, sometimes it can be a frightening ordeal. People may be worried that they will lose their house or whatever it be; if they take them on when, in many occasions, they could be in the right. So sometimes, and it is proven, I think it goes back to Sweden in 1807 or 1809, the first ombudsman service, so we are not breaking any new ground here and what it does is it brokers the middle ground, it is a sort of mediator and it is very effective. The U.K. has a Financial Services Authority which gets involved on consumer issues and there is also the Financial Ombudsman Scheme in the U.K., I want to touch on that in a minute, and there is also the Office of Fair Trading. So there are many areas where they will get involved and look to resolve disputes, either on an across-the-board basis, things like bank charges, or they will up individual cases. In contrast to that, Jersey really has nothing. If we are talking about a triple A star rated finance centre then I believe this is a feather in our cap if we have that. If we have a problem then what we say to the individual is: "If you have a problem with a financial related transaction" and many people have: "then that will be dealt with at no cost to you." [Interruption] I am just waiting, Sir, because we are not quorate.

The Bailiff:

I beg your pardon. Usher, could you summon back Members, please; we are not quorate. Very well, now you can continue, Senator.

Senator A. Breckon:

The other thing, ombudsmen are quite common; many sectors boast it and they see it as a sort of Kitemark as to their ability, if there is an issue, a dispute, then they resolve it within an industry. For example, undertakers have an ombudsman service, removal people have an ombudsman service, estate agents have an ombudsman service, and when they are members of that, it is a Kitemark that says: "If you have a problem then you can come to us and it will be dealt with at no cost to you." That is why I believe industry should pay. A couple of weeks ago, or it might have been earlier than that, we were talking about a gambling or a gaming commission and I think the Minister said, and of course there is no dispute about this: "The industry must pay"; the industry itself pays. That is an accepted practice and it happens in the U.K. I think from the Jersey earnings survey not long ago the finance sector was quoted in there as paying £75 million in bonuses last year so I would suggest that if there are bonuses and payments, then there is money that can be set aside to

do this and to provide this sort of service. I think finance can and should pay and this could be done quite simply through their registration system. Just recently ... just to give Members some idea of who this applies to... is it the fly-by-night operators? Who uses this service? What I have done deliberately in this amendment, I have bundled all the papers together that go back years so that Members could refer to whatever may be in there. But the Chief Financial Ombudsman in the U.K. was the guest speaker at the Citizens Advice Bureau in Jersey a couple of years ago and he was quite keen, and he said that he could provide a service for Jersey because it is not a legal service, it is a sort of mediation service, and he could set that up and advise on that, put in a framework, and he was quite willing to do that. He was getting a bit fed up with the U.K. about the complaints he was getting. What generally happens is people and the organisation try and resolve their own dispute: "What is the problem?" The U.K. Financial Ombudsman produced their figures for the 6 months for January to June 2009; these are complaints that go to the ombudsman but must be rejected by the company first. So these have been given to a financial company so we are talking about Lloyds TSB, 6,947 complaints and the ombudsman upheld 81 per cent of those; that was in banking. In insurance, the same company, there was 3,466 complaints, that is in 6 months, and 98 per cent of those were upheld by the ombudsman but they had been rejected by the bank. Barclays had over 8,000 and 71 per cent of those were upheld by the ombudsman and, for their insurance bit, there were just over 2,000 and 93 per cent of those were upheld. Those are the 2 biggest ones. HBOS was nearly 6,000 and again, I think, it was 52 per cent. But those are household names on which complaints have been made and the organisations themselves have rejected them and somebody, and that somebody was the Ombudsman Scheme, was able to intervene and get justice - because that is what it is - for the people concerned. That is what we do not have, although there are some ways into the Ombudsman Scheme in the U.K. depending where the financial product is based; if it is based in the Isle of Man, you can go there, if it is in the U.K., you can do that, but sometimes there are some grey areas if it is considered "offshore." So that is really where I think we are and I think it demonstrates that it is a necessary system, it is an effective system. But this has not just come from me because in 1999 there was a report done into the regulation of Crown dependencies by a chap called Edwards. Following that we as a government set up a task force to action the points that Edwards made in those recommendations. This was the regulation in the Crown dependencies; I think at the time Mr. Straw was Home Secretary or whoever it was that had done this. What it said in there was, the recommendations: "Financial Services Ombudsman. This recommendation was accepted by the taskforce and the implementation is in progress. The taskforce recommends the introduction of a statutory ombudsman scheme which will apply to all regulated financial services business. The scheme will provide an efficient and cost-effective mechanism for the resolution of disputes between financial services businesses and their customers." This report is dated 7th December 1999. Following that, the Jersey Financial Services Commission, which had not been set up that long, formed a working group from people across industry. In 2002/2003, they made recommendations to the then Finance and Economics Committee and nobody has worked this up into legislation. The law drafting was set aside, they produced a brief and it must be very disappointing for people from the community when we engage them in a working group and then, in effect, take no notice whatsoever. That is really what we have done. This is long-standing and I would argue this is worth a lot more than new plant varieties of which I am not aware of any, I must say. The other thing ... there are just a few points I would like to make in summary. Not that long ago there were people who were saying, in this House and outside: "We do not need a depositor protection scheme." [Approbation] Now there was some tutting and stamping of feet; not like that, in other ways, when the Scrutiny Panel frustrated it by calling it in: "We must have it. We must be able to demonstrate to people outside, the I.M.F. (International Monetary Fund) and whoever else - Michael Foot and other people who were doing reports - how good we are, how we can demonstrate this, that and the other." But it was not about the little old person in Albert Street, about securing their deposit, it was about showing to somebody else. Members may also remember the £600,000 in alternative investments to those people. That does not include the legal costs of the Financial Service

Commission who took up the case on people's behalf, but I can tell Members the judgment is available and it is fairly critical of Jersey, the system and the government for not putting in place a system where people could get or seek redress or seek advice. It is fairly critical on that and that is one of the reasons why I believe that the £600,000 has been flushed out. So I am not saying that we as a government should be spending that sort of money but we need to put systems in place that prevent this sort of thing and the ordinary individual can feel comfortable when things do go wrong then there is something and somebody that will listen to them. Because it is proven by the U.K. figures the actual banks themselves or the institutions will not always do that; they will turn people away and test their mettle: "Are you up for this? Okay, then test it." That is really where it is; there is some confrontation in some of these issues. The other thing is, if I had stood here 4 years ago, 5 years ago, and said to people: "People will be queuing in the streets in the U.K. to get their money back out of a bank" you would have said I was nuts, you would have said I was barmy. It happened in the case of Northern Rock. So we have now got a different situation here and there are people who are experienced in financial services, people like the Rothschild family have said: "Regulators have been too soft. They have let it go, Madoff in the U.S.A. (United States of America). Who is watching them?" He is in jail now; it does not get people's money back. We have to be tougher with regulation, not softer. This is part soft regulation but, as I say, it is comfort for those people. The thing is, what I think it does do is it provides a level of protection for many ordinary people inside and outside the Island. There is a benefit for them but there is a benefit for Jersey finance; as a blue chip finance centre, we can say that when things do go wrong or there is a dispute we will do this. I think this is far more important, it will affect a far greater number of people and I know from experience there are still people who are bitter about what happened to them with a particular financial institution where they have not been able to get remedy because they have been frustrated by the system. They do not have, with respect, the wherewithal or the finance to take this and test it in law and some of the things that have happened. Because there are grey areas, and that is in an area where I think an ombudsman could get involved. It is long overdue and I have no hesitation in proposing this amendment as opposed to New Plant Varieties. The Bailiff:

In the amendment seconded? [Seconded]. Does any Member wish to speak on the amendment?

15.1.1 Deputy T. M. Pitman:

It will be very brief because the Senator has just helped me cross out half a page of scribbled notes. I really have no wish to try and underplay the value of the New Plant Varieties Law but I have to use that word and say "however". Because I do feel that it needs to be said that the sort of ominous warnings we have had within the comments are that accepting this amendment would result in, and I quote: "Jersey becoming a less attractive place for businesses in other sectors", et cetera et cetera, are indeed lines that we have heard all too often before. Senator Breckon touched on it, I did not think he was going to, but I think it is worth repeating. If we just recall the Depositor Compensation Scheme, that little more than a few months ago at the Senatorial elections when Deputy Higgins was championing it, it was just a "nice to have". Yet, a few months later, things have changed and, as we have heard, it would lead to the fall of Rome if not implemented overnight; in fact, it was almost so important that it nearly cost the chairman of a panel his job. I will keep this short and just say that, for the reasons which Senator Breckon has put across very well, I think, I believe it has to be acknowledged that the argument for reallocating legislation time to the issue of a financial services ombudsman, something that has been on a back burner for longer than I can remember, is the far more pressing of the 2. After all, I think it is quite likely that a good majority possibly of the Assembly, maybe even all, could tell of personal instances where constituents they know would have greatly benefited had such a thing been put in place. Thus, to close, unless I hear anything dramatically new from the Council of Ministers, I have to say that I will be supporting Senator Breckon's amendment and would urge everyone else to do so.

15.1.2 Senator A.J.H. Maclean:

At face value, this amendment certainly appears to be quite compelling. Members will be aware of the excellent work that has been undertaken by Senator Breckon, over many years, relating to consumer affairs. The introduction of a financial service ombudsman is a body that he has long campaigned for. In many respects, he is absolutely right. Certainly, my department and I take the issue of consumer protection extremely seriously but, in a sense, a financial services ombudsman represents just one element in the much wider debate about consumer protection generally. For this reason, I have asked Oxera to take a look at the wider issues of investor protection and believe that it would be wrong to predetermine that review by accepting this particular amendment. I would also comment that, as there is a potentially significant cost to a financial services ombudsman, it may be prudent to consider a further piece of work to look at an ombudsman to cover more than just the financial services sector; a more general ombudsman that is not sector-specific may be more cost effective and indeed therefore more appropriate. I have touched on the matter of cost. The Isle of Man scheme needs 7 or 8 staff; it is likely that a Jersey scheme would be at least double that size to reflect our much larger financial services sector. Estimates indicate that a Jersey ombudsman scheme would cost in the region of £500,000 per annum to operate. Justification for this level of expenditure will need to be rigorously challenged and especially focus on whether it is fit for purpose within the Jersey environment. Members may be aware for example that research shows that the Isle of Man financial services ombudsman overwhelmingly benefits international customers of that Island's financial services industry. Furthermore, to expect any cost of the scheme to be passed on to the industry is very simplistic and I should say, at best, hopeful. But Members need to remember, as I am sure they do, that somebody would have to pay for a scheme, one way or another. A higher probability is that the cost would be passed on to consumers in the form of higher premiums, tariffs and charges and I did note that Senator Breckon made reference to the gambling industry and the suggestion that the industry itself should pay for regulation. But I have to point out, as Members will appreciate, this is a very different scenario to the one we are discussing; it would obviously not be appropriate or even possible for that industry to pass on its costs, as it could be the case and probably would be the case, in this instance. On the broader matter of consumer protection, Members will be aware that Economic Development has introduced major improvements to consumer protection legislation over the last few years. We are also hoping to introduce a depositor compensation scheme, as has already been referred to. We introduced a comprehensive Consumer Safety Law, a Distance-Selling Law was introduced which gives statutory rights to consumers buying goods over the Internet or other distance means and this year saw the introduction of a Supply of Goods and Services Law offering statutory rights similar to those available in the U.K. Appropriate consumer protection will remain a priority of mine and of Economic Development but it is important, absolutely essential in fact, that any introduction of new legislation for consumer protection is done in an orderly, evidenced, and indeed informed, manner. My department has worked with Senator Breckon on this and many other consumer-related issues and I can assure Members that we will continue to do so; our aims and objectives are broadly similar. But arbitrarily seeking to change our legislative programme by substituting the development of a New Plant Varieties (Jersey) Law for a new financial services ombudsman could be very costly for the Island and hamper important economic diversification. I do admit to Members that a New Plant Varieties Law does not sound that exciting; certainly not at face value, but it will create plant breeders' rights which are a form of intellectual property that protects new varieties of plants and indeed, within that particular sector, horticultural or agriculture, will help to encourage further investment. In reality, though, it is a vitally important piece of legislation to allow us to develop our wider intellectual property opportunities. In the Strategic Plan, Members asked us to diversify the economy; in fact, we were already doing it; indeed, we will continue to do it. It is a clear priority of the Economic Development Department. Intellectual property probably offers the single biggest opportunity for economic diversification. While the Plant Varieties Law in isolation may only create limited opportunities within horticulture and agriculture, its true value is that it will allow Jersey to be able to comply with international conventions and agreements essential for the development of our intellectual property sector, conventions such as the Paris

Convention and agreements such as T.R.I.P.S. are important; they are essentially important, they are important to major brand owners, they are important to the development of this particular sector. This is the true and significant value of a Plant Varieties Law not what it might appear at face value. Members will have an opportunity to debate the 400 or so Articles of our new Intellectual Property Law which will come before the House early next year. I therefore urge Members to reject this amendment for 2 clear reasons: one, my department will continue to work on important consumer protection matters, including investor protection and the potential for an ombudsman and, secondly, because we do need the Plant Varieties Law to improve Jersey's attractiveness as a jurisdiction for intellectual property-related businesses.

15.1.3 Senator S.C. Ferguson:

Yes, I am quite interested in this because in a former life, as one of my colleagues will say, when I was a banking supervisor, we in fact dealt with complaints; I suppose you could call us the ombudsmen and women for our particular banks. On that basis, I do query the Council of Minister's estimates of costs. You know, I know of at least 2 bright ex-directors of regulation of various aspects of the finance industry who could quite comfortably handle this with a desk and a secretary with perhaps access to the Attorney General or a lawyer in dire necessity. Why then do we need 10 off-Island ombudsmen, 5 fulltime employees, [Approbation] premises, accommodation and travel costing £500,000 a year? I am sorry; the estimates do not stack up. There have been comparisons made with the Isle of Man but I do understand that the Isle of Man covers trading standards in other areas as well in the same department so that I am not sure that we are really making a good comparison. I would very much like to hear some comment on this because I think the costs that are being waved at us and saying it is too expensive to operate, I am sorry, I think they are exaggerated. I appreciate the efforts to have a diversified industry but really, I do not think it should cost anything like that to implement, I think we could run it with a tight, small office and it would work. So I am waiting to hear the explanation.

15.1.4 Deputy A.K.F. Green:

Some of what I was going to say has been covered by Senator Ferguson. It does remind me a little bit in terms of costings that working with architects, if you want to put something new into the plan it is going to cost a fortune but if you want to take something out it is not going to save a penny; and that is just the plans. Senator Maclean said if we put this in, somebody has to pay; well, somebody is paying now: the people that cannot afford to go to law to take their case to court. The ordinary people of this Island are the ones that are paying now. As Deputy Pitman said, I could produce a catalogue of constituents that I am working with currently that have been let down by their bank and when you get to a stage where the relationship has completely broken down, unless you can afford to go to law, you have nowhere to go and that is wrong. We claim to be a world-leading first class financial centre and yet we do not have a financial ombudsman; the 2 just do not stack up in my mind. There is a need, as Senator Maclean said, for a general ombudsman as well, but I believe that we need a financial ombudsman first and I will be supporting this.

15.1.5 Deputy R.G. Le Hérisier:

I think, like most Members, it is with considerable excitement we look forward to the Plant Variety Law [Laughter] which is clearly absorbing the Minister's time and I would ask him when did this idea germinate? [Laughter] Yes, it is the seed of an idea which I know will allow the intellectual property movement to take root but I still have to ask him, as Deputy Green has said, why has a financial ombudsman been turned down time after time after time? I do not usually like ad hoc propositions and I have voted against most of them during this Business Plan debate but I think, to be fair to Senator Breckon, he has pushed this idea, he has been surprisingly ahead of his time and, quite frankly, the people on the back foot have, I am afraid, been the people at Economic Development. I have to say to the Minister for Economic Development, why is Oxera being brought in yet again to take a political decision? It is essentially a political decision that such a

device is needed. How we do it will obviously be a matter to discuss, as Senator Ferguson has said, with the industry and one that will be much, much more cost effective than the one outlined by the Council of Ministers. I do ask the Minister for Economic Development Minister to put his plant varieties to bed for the moment to allow something that is absolutely vital to the finance industry, its credibility and its future, to allow that to be put in place in order that we can really put finance at the centre. I think, quite frankly, the arguments we have heard have been diversions. The Minister for Economic Development Minister, despite the incredible amount of excitement he has generated about this law, I do not think his heart is with it.

15.1.6 Deputy D.J. De Sousa:

I will be very brief because a lot of what I want to say has been covered as well. I find myself very strangely agreeing with Senator Ferguson, well done, and Deputy Le Hérissier and Deputy Green. This has been going on for so many years, like so many pieces of legislation. We constantly wait, we constantly stall until it has to be brought in at the last minute. We are also being told that our finance industry is very well regulated. Surely, then, they should welcome this and open it with open arms. Thank you, I will be voting for this.

15.1.7 The Deputy of St. Mary:

I want to say a few words about T.R.I.P.S. and the W.T.O. (World Trade Organisation). I suspect I know slightly more than most people in the House about these 2 things, which is not much, but it is more than nothing. No, I have real problems with this emphasis on intellectual property and in particular the Plant Varieties Law so that is where I am going to be focusing what I say. The first thing about intellectual property is we have been told by the Minister that the main law ... and there are 5 that he is proposing to bring forward, 5 in one year; the law draftsman is going to have a very tired hand and a very sore brain. But he is telling us that the main law alone is 400 Articles. Now, I just hope that the intellectual background to this work has been done because I know from my sources that intellectual property is extremely controversial, it is not a shoe in, it is not something that Jersey just leaps on and thinks: "This is the next great thing to float the Island's economy." It is very, very dangerous territory and there is a big argument going on about how long property rights should last, whether intellectual property should exist at all, whether copyrighting is a good thing, and there is just a whole big debate out there and it slightly worries me that Jersey is moving into this area at possibly a moment when it might be resolved not in our favour. That is just the first sort of general covering point and I would not mind a comment from somewhere within E.D.D. (Economic Development Department) about just what risk analysis they have done on this whole area. The second point is perhaps more immediate and more worrying. When I hear the word W.T.O., World Trade Organisation, I get worried for Jersey and I do not know if Members are aware but the W.T.O. believes in free trade. [Interruption]

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

Excuse me, Deputy, would you wait just one moment; I believe the States are not quorate. If the usher could find one or 2 more Members, please? Okay. You may continue, Deputy.

The Deputy of St. Mary:

In a former life outside the House I remember campaigning about something called Trade Justice and I remember very well being at a certain lady farmer in St. Martin and getting a cow to put her foot print, her hoof print, on a petition to say: "Watch out about dairy." The thing about the World Trade Organisation, as I said, is they believe in free trade. Now, free trade means effectively the end of Jersey's right to sell fresh milk in Jersey and to exclude other milk coming in. If the W.T.O. really gets aware of little Jersey ... at the moment we are not even on the radar, but if the W.T.O. gets interested in us and hears that we are putting forward all this legislation, they might just take an interest in milk; well, that is the thing they might sort of haul us over the coals about and it just worries me that there is another risk there that may not have been considered or looked at. The value of being able to restrict the import of fresh milk to this Island is one that I think has been mentioned before in this House, before I was a Member, and it is a very important issue for the survival of dairy industry. We tread here with a bit of danger and I think again, E.D. (Economic Development), I want comments

on this aspect. The third thing I want to mention about the risks associated with T.R.I.P.S. or the T.R.I.P.S. thing in general, is if you look at the fourth paragraph of the comments of the Council of Ministers on this amendment, they say: "The T.R.I.P.S. agreement (Article 27(3)(b)) requires members to provide for the protection of plant varieties, either by patents or by an effective *sui generis* system or by any combination thereof" which is fairly understandable by T.R.I.P.S. standards. Firstly, I do not believe that T.R.I.P.S. requires member states to provide for the protection of plant varieties; I would very much suspect that T.R.I.P.S. recommends it or says that that is something that you should do and I would like, again, a comment from E.D. as to whether they have read T.R.I.P.S. Can they tell us how many pages that documents runs to because it is a long, long document and I am very wary of being told by this Council of Ministers that this T.R.I.P.S. agreement requires us here in Jersey to do something, because I have serious doubts that that is true, and whether or not we are being misled. The next risk is that we are looking at patenting plant varieties. That is a risky place to go and I just referred back to the Hansard of the last sitting where questions were asked of the Minister for Economic Development about plant varieties and this law, in fact. Senator Syvret asked a supplementary: "Is the Minister aware of the potential for significant harm to Jersey's standing and reputation that arises from the possibility of the over-zealous and opportunistic application of intellectual property to food and plant varieties?" He mentioned the worldwide concern there is in the area of patenting food which is a fairly obvious concern and there has been severe misbehaviour in this area so he was right to highlight it. The Minister replied: "Yes, clearly, in any opportunity there also lies risks and I think it is important that we recognise that when developing this law." That was what he said about that. So I returned to it in my last supplementary: "Why has the Minister chosen to prioritise plant varieties when, as Senator Syvret has pointed out, this is probably the most sensitive area in terms of world public opinion that he could have chosen?" The good Minister replied: "It is a necessity in order to become compliant to the international conventions that we bring forward the New Plant Varieties Law and that is the reason." So we are doing it in order to be part of this intellectual property industry. There is not much interest in this law in itself and I really do suggest to Members that they question the logic of the argument that says that we must have a Plant Varieties Law in order to make sure that we have an intellectual property legislative framework that is adequate. I do not see those 2 things making sense together. In one answer, he talked about: "The need for our I.P. (Intellectual Property) framework to be modernised and that is a primary driver behind our moves to bring new legislation." That is all very well and good but I do not see how a new plant varieties legislation sits in there; it is a dangerous place to go and I just wonder whether the statement in the fourth paragraph of their comments, again of the Council of Ministers, is related to this danger. They say: "Plant varieties are not patentable under U.K. and European law." I wonder why that is? "Plant varieties are not patentable under U.K. and European law. Jersey currently re-registers patents that have been granted in the U.K." is the next sentence, whereupon I am completely lost because I have just been told that the U.K. does not patent, and cannot patent, plant varieties. The next sentence tells me that Jersey currently re-registers patents that have been granted in the U.K. Sorry, I do not understand the comments and I am not sure that the Minister understands T.R.I.P.S. I really have a problem with this whole thing; the comments do not make sense. There are huge risks here that I am not sure have been analysed and I want to hear from the Minister that this all adds up at all, makes any sense at all and why we are going into this danger zone when there are 4 other pieces of massive legislation that also have to be done in the same year. I question the viability and I question the risk and hopefully we will have some comment on that. To close, I just want to echo, but in a slightly different angle, the comments people have made about this estimate of cost that we have from the Council of Ministers and my take on it is if the estimate is 5 full-time employees and a panel of 10 off-Island ombudsmen, is there really this amount of dissatisfaction, this amount of cases, to be dealt with? Because if there is, God help us, and if there is then we should get on and implement the law because if that is what we are being told is needed, then where do these sums come from and what is the level of need and dissatisfaction? That really is bothering and, again, it would be nice to have an explanation of that estimate of the costs and the manpower required.

15.1.8 Deputy G.P. Southern:

Yes. I have heard it all again and a classic ploy from a Minister as to how to divert a Back-Bench proposition: say you have already set somebody working on it and say that, in fact, what you need is something much bigger and much more comprehensive, much more suited, et cetera et cetera. What do you get? At least say 18 months to 3 years delay and you do not have to do anything. I do not know if this is Senator Breckon's third or fourth or fifth attempt, fourth attempt I am told, to bring this law; it has been long overdue and I was surprised that the Minister for Economic Development did not take the opportunity of getting on board with this and saying: "Thank you very much, Senator Breckon, yes, this is the way we should be going." He mentioned, for example, that we have just introduced a banking deposit protection scheme or we are about to. A year ago we were told we did not need one of those and the question arises: "Well, why do we need one now?" Why? Because the bank said: "Everybody else has got one now, we need some protection in order to be able to market our products." It is to our advantage, our business advantage, to have that law and so we are getting one. We are getting a banking deposit protection scheme which has no chairman, no board, and no funding. We can do it for nothing. All we need to do is pass the law but, when it comes to the other arm, which might be a competitive advantage for our banks, the financial ombudsman, no, that takes an entire rugby team in place [Laughter] in order to be able to deliver it. I have heard some arguments in my time and never have I heard such

ridiculous nonsense presented in such a charming and smooth way [Laughter] but I think I have spotted some of the logical inconsistencies there. Then we are told: "Right, all this package on intellectual property, I.P., is absolutely vital, this is the diversity that we need, this is the new driver of our economy, this is the money-maker that we are going to be employing." It so happens that in my time on E.D. about 18 months ago this came to the surface as the new driver and we took a quick look at it and we sought advice from practitioners in the area and they said: "Well, it would be interesting to go there, enormously complex to go there. In terms of generating a whole new area of trade, highly unlikely that it will work." Why? Because, quite simply, other people have got there first and people are very used to using their services, wherever they are, and we would be competing in a market with a disadvantage. I am surprised that E.D. have pursued this particular avenue with such doggedness because it certainly seems to me, and certainly from an earlier look at that, that it was not that productive an area to be going. But we are told that, within this package, and as the Deputy of St. Mary has said, just briefly, well, it is: "Look at that package." That is a law and a whole set of regulations, one, 2, 3, 4, 5; that is more than a year's work. We are not going to be delivering this next year and the phrasing, correctly pointed out by Senator Breckon: "Work will start on." "Work will start on." Come on. I cannot believe we are asked to believe that this move, which has been long overdue, is something that we should going for so I congratulate Senator Breckon for bringing his proposition, yet again, the fourth time of asking, and I know full well the doggedness that is required sometimes to get Ministers to agree to making sensible moves once they have dug themselves into an entrenched position of saying: "Whatever you want, I am agin it", because they do that as a matter of routine. Again as the Senator pointed out, again, here we are, another case of broken promises. It is time to deliver on this, it is time sensibly to deliver on this; let us go ahead.

15.1.9 Deputy T.A. Vallois:

I think it is seriously shocking that we cannot agree to have a fundamental component of an industry that represents approximately 54 per cent G.D.P. (Gross Domestic Product) of our economy in Jersey. The financials quoted by the Minister surely cannot be correct and I would ask that these figures be checked and maybe checked again. I do not like to admit this but I was previously employed within a bank dealing with complaints and only complaints for a full 12 months of the time. It was not a pretty job and was not an easy one, and the question that always came from many of these complaints was why there was no one for them to go in Jersey independently. As a person who has worked in the industry and seen complaints first hand, I would seriously ask Members to vote for this amendment as it is something that has been put on the back burner in this Island for way too long.

15.1.10 Deputy J.A. Martin:

RI will be brief because a lot of things have been said but, again, reading the comments - a and I obviously missed the question time on the New Plant Varieties and things like that - but the Minister for Economic Development makes a real big play, and it was picked up by Members but especially Senator Ferguson, of what a financial ombudsman could cost in Jersey. I am from the same school as Deputy Southern; I was on his panel when we had a raft of intellectual property. We had a couple of people in from the industry over here who were very, very iffy but, as he said, very complicated. If you read, they give us a figure there and on the blue pages in the annex it says: "Intellectual property and registered rights" their comments: "The Minister will either be licensing authority and would require specialist advice or have to appoint a licensing authority with a specialist knowledge" and that will come cheap will it? No, it will not. Then the Trades Mark Law, their figures, their comments: "The issue of cost has not been considered, but it is likely that there would be an additional cost to running a deposit registry. There is scope for recovery of costs through the registration system to this extent. E.D.D. may be able to contain additional costs within its budget, but this would need further consideration." It will not. I have very little, limited knowledge, like the Deputy of St. Mary, but trade marks, you can be sued for millions and millions of pounds if you miss one date and you are not covered in one country. It is a very, very complex issue. We are told we cannot today substitute one piece of law drafting time because all this has to come through at what cost. I do not believe it. I certainly respect Senator Maclean very much, but I think his speech was a bit like the speech Senator Breckon read from the former Senator Walker. It will be coming. Well, it is like the train from St. Albans; it has not been coming for a long time, has it? So, it was derailed, and this is exactly what they want to do with the ombudsman again today. As Deputy Southern put it very well, I have heard some excuses in my life, but to say that it will cost this amount of money when what they are producing has not been costed ... and economic development and financial matters do seem to slip through this House, but whoever is on the Scrutiny Panel should really be keeping a watching brief on what is happening because we cannot let this go through on a nod and we cannot afford 2 years of law drafting time to be totally wasted when I am not sure Jersey is big enough, it has the expertise enough, and it could cost us more money than it will produce. I am fully supportive of an ombudsman and that is something that I do know enough about, having been sold some dodgy insurance in my time. Luckily it was an English company and I went to the English ombudsman.

15.1.11 Deputy A.E. Jeune:

As I see it, when we vote on this amendment it is not necessarily against a financial ombudsman but more a vote on whether we do a swap with intellectual property legislation. Would the Senator please in his summing up give Members his views on the Council of Ministers' comments to his amendment in respect of exploring with the States of Guernsey a pan-Channel Island approach to a financial ombudsman?

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

I have been listening to the debate in the computer room with great interest, quite naturally with my background. I must say I agree with Senator Ferguson. The cost estimate of Economic Development is way out. It can be done much cheaper and with far less staff than the Minister is indicating. I can also confirm that the Isle of Man Financial Ombudsman Scheme is located within the Trading Standards Department and, therefore, is dealing with far more matters other than financial service products. It is dealing with plumbers and lawyers' fees and everything else. So, it is a bit of a red herring to talk about the amount of staff and the cost of doing it in the way they are. It is just something they do not want to see in the Island. Senator Breckon mentioned about there being lots of complaints regarding mis-selling, also concerning permanent health insurance, redundancy protection and bank charges. The list is endless. There are many, many scams out there which banks have been charging people and then when push comes to shove, they are made redundant or they are ill, they do not get the cover that they thought they were going to get. This scandal has to end and a financial services ombudsman is one way that we can do it. Now, the Financial Services Commission is not equipped to deal with these matters, and so what do people do? With the high cost of legal services in this Island, they do nothing. They basically get ripped off. So, what we need to do is stop this rip-off and give people redress. Other points: Oxera were paid £97,000 to come up with a report on depositor protection. As we have discovered in the Economic Affairs Scrutiny Panel, they end up tailoring the report to meet what the Economic Development Department wants. They have emphasised certain things and they have downplayed other things. So, whoever pays the piper gets the tune. I can imagine what we are going to get from Oxera with a financial services ombudsman. It will probably cost us another £100,000 anyway before we go any further. In fact, perhaps the Minister can tell us how much he is paying Oxera to do this report; it would be most interesting. In addition to that, we talk very often about the importance, in fact, Ministers are constantly telling us that it is essential for the Island to meet international standards and that the future of the Island as an offshore financial centre depends upon it. Members may, therefore, be surprised - judging by the way that the Council of Ministers attacked me and other members of the Economic Affairs Scrutiny Panel for our decision to scrutinise the Depositor Compensation Scheme Regulations - that the recent I.M.F. report which has been trumpeted as showing how much better we are than the U.K. or the United States actually states there may be a case for the introduction of a financial services ombudsman, whereas it only asks us to publicise the limitations of a depositor compensation scheme widely to those who may be affected by it. Members may also be surprised - and, in fact, this is a forecast I am going to give you - that Michael Foot's inquiry report is more likely to recommend that we adopt a financial services ombudsman than to introduce a depositor compensation scheme. But if we do introduce a depositor compensation scheme, again they are going to stress that we must publicise the limitations of the scheme. The new message that is coming out loud and clear is that you need to have wide public awareness campaigns that spell out the risks and limitations of the financial products and services that are provided in your jurisdictions and provide redress to consumers who have been wronged. It is a reputational risk for the Island and it is something that we need to bring in and we need to bring in now. I ask Members to support Senator Breckon.

15.1.13 Senator P.F.C. Ozouf:

This is quite a difficult debate to handle and it is quite a difficult debate to respond to many Members that have raised what is clearly a view that there should be a financial ombudsman. I will come on to that in a moment. The reason why this debate is difficult is because we are being given a choice about whether or not to have the plant varieties or the ombudsman scheme. I do not quite know how we can deal with this because what is very clear is that ... and I hope that Members who are supporting Senator Breckon are not sending or do not want to send a message that we do not want to develop an intellectual property capability in the Island. I think that unlike a number of Members who have spoken I do not share the scepticism about intellectual property and the ability for the Island to be able to trade and to provide services in this area. I do not want to give Members an economics or business lesson, but I need to say to Members that Jersey has only a limited amount of aspects of economic activity that it can pursue these days. The Island used to trade on its physical location and physical goods. We used to trade growing produce and agriculture. We used to effectively harvest the fruits of the sea. We used to trade on our physical location as a tourism destination. We do not have in this ... and while the Deputy of St. Mary might want to turn the clock back towards more globalised markets, we do not have a competitive advantage outside of the competitive advantage of the able Jersey man and woman to provide services. At the end of the day, while there is a lot of discussion and perhaps there is a lot of misunderstanding about financial services, it is the word "services" which Jersey trades upon. We trade on providing services and the backdrop of pieces of legislation which this Assembly passes. In a sense, intellectual property is no different than financial services in many respects. There are examples of gaps in other countries' legislation in the field of intellectual property which a small, nimble state like Jersey can incorporate legislation which can be used. Just as this Assembly a number of months ago brought forward a Foundations (Jersey) Law which now is being successfully marketed, which is providing services to the international financial community, so are there examples of services in intellectual property that can be passed by this Assembly and exploited by the Island, not in any negative sense but in a positive sense. The world of e-commerce has moved intellectual property massively forward in the last few years, and we are being asked to consider by Economic Development ... and I fully accept that I also started this while being at Economic Development. The Island can by the passing of legislation provide activity outside of the financial services industry to keep people in work and to keep people in jobs in the future. Many Members speak about diversification; intellectual property provides an opportunity for that. I would be very sad if this Assembly was to effectively stop that

progress because the reality is that in order to have intellectual property and have a suite of intellectual property legislation that works, there needs to be a whole series of standards which are internationally accepted standards. One of the international standards is ... and the Deputy of St. Mary is not the only person to understand what T.R.I.P.S. is. T.R.I.P.S. is the Trade-Related Aspects of Intellectual Property Rights Agreement, which has been set as the global standard for intellectual property. You cannot get on to the Paris Convention unless you comply, just as we have been through a compliance assessment of our financial services regulation with the I.M.F. You do not comply on intellectual property standards unless you have the Plant Varieties legislation in place, which is not a separate new bit of legislation which has suddenly been invented in Jersey. It is effectively reflecting standards for plant varieties elsewhere. That is why the Plant Varieties legislation is required as one of the suite of legislation that is required in order for us to start on the process of dealing with intellectual property. I would be very sad if the message was to go out that we have effectively put on hold for a year the whole progression of what I think is quite an exciting aspect of economic diversity going forward. It is this Assembly that is going to decide and going to debate and no doubt scrutiny decide whether or not we are going to embark upon that process of identifying the Island and progressing the Island in the field of intellectual property. I would be very sorry if today we simply put that back on the backburner. I recognise and I can see some uncomfortable faces in the Assembly that Members do not want to stop the progression of intellectual property, or at least they do not want to stop it without having a lot more information, but they also want to progress a financial services ombudsman. Perhaps the Chief Minister in his summing up can perhaps try to find a way forward because on the one hand Senator Breckon has done absolutely the right thing. He has done what the Minister for Treasury and Resources Minister asks of Members to identify compensatory savings and he has done absolutely the right thing in a financial sense in that he has found a piece of legislation to offset. In this case, I think that what is clear is that we want both. We want to both give the opportunity of creating the diversified aspect - and I can see a number of Members nodding - we want to see whether or not we have a potential of embarking down the road of intellectual property, and we want an ombudsman, too. I have to accept that the whole climate of financial regulators, financial ombudsman -, yes, depositor compensation schemes -, has changed in the last 18 months. Deputy Higgins is quite right to say that the I.M.F. report does identify - and I suspect he may be correct in saying that the Michael Foot report will identify - the requirement of bringing forward an ombudsman. I think it is quite clear that we are going to have to deliver one, and we are going to have to put our Ministerial backs into delivering that. He is right that previously perhaps a financial ombudsman was not deemed by the international community as being so important. Clearly, it now is. The challenge for the Council of Ministers is dealing with the financial consequences of that. Elsewhere, ombudsmen are paid for by a levy on business in some parts, and in other areas they are funded by taxpayers. That is the case and I do not want to get into cheap shots with any Member, but the reality is that I have, upon good advice when I was Minister for Economic Development Minister, absolute clarity in terms of the cost of the Isle of Man scheme. Yes, it is costing of the order of the figures that have been suggested, if you are going to do the job properly. If we are going to have a proper ombudsman that is going to respond to people, this is not, with the greatest of respect to Senator Ferguson, just simply a person at a desk borrowed somewhere else and answering the phone. Just as we put forward regulations and our Financial Services Regulator is run on a proper basis and a proper standard and is recognised to be so, so if we are going to do and put in place a financial ombudsman then we are going to have to do it properly. There is going to be a revenue expenditure cost and/or debate to be had with industry of exactly how that is going to be funded. I want to try to find a solution to this because I do not want the Assembly, I do not think, to strike out a piece of legislation on intellectual property simply to switch it for an ombudsman. Perhaps the Chief Minister in his summing up could give an undertaking, if it is his plan for legislation, to perhaps bring forward a proposal to bring forward or to allow the legislation. There is a big question mark on this. Is it really conceivable that the gap that would be left by the Plant Varieties (Jersey) Law could be used for drafting an ombudsman scheme? I am not at all sure that that could be done. There is a great deal of work to be done with the ombudsman scheme, just as I may say - and I have to say - that from where I am standing I think that one of the reasons why there has not been the progression made that was promised - and it was promised and Members are absolutely right in relation to the financial ombudsman - is all of the work that was associated with the I.M.F. progression. I know because I was the Minister at the time that dealt with all sorts of bits of legislation to comply with that I.M.F. regulation. Yes, there has been a great deal of work on the depositor compensation scheme and there is only a very small team of people that do this work. That is the reality. I have asked the Minister myself why perhaps the financial ombudsman proposals were not progressed. Well, they have not been progressed because there have been other even higher priorities in order to do it. The Assembly I do not think is making a split choice in between the Plant Varieties legislation and the ombudsman. Perhaps the way forward is to ask Senator Breckon to consider whether or not - he probably is not going to but I will ask anyway - he would not press us to a vote in this regard and for the Council of Ministers to go back and to find a way of delivering to progress the Intellectual Property legislation but also the ombudsman, too. Because in reality it is not an either/or, I think it is a both, and perhaps the Chief Minister would make some comments, because there is no other Minister for Economic Development Minister here, in order to find a solution to do both because that is what I think we should be doing.

15.1.14 Senator B.E. Shenton:

If we should be doing both then why were both not in the Business Plan, is the obvious question. [Approbation] I think this is all about priorities. Time and time again during this Business Plan debate I think a lot of Members in this Assembly have different priorities to the Council of Ministers. I think the Council of Ministers need to have a good

look at the way they do the Business Plan and need to have a good look at the way they do prioritise things because I think they have it hopelessly wrong this time around. Senator Maclean is normally a Minister who has his finger on the button, but this time unfortunately I think it is on the wrong one. The ombudsman demands have been there for a very long time. It was not that long ago that this House was asking questions about a £600,000 payment to deal with alternate investors where these investors ended up going to the Council of Ministers because they had nowhere else to go. The Council of Ministers decided, with no real terms of reference and no reference back to the States Assembly, to fork out over half a million pounds of taxpayers' money because they had been so badly mistreated. A few years ago we had literally hundreds of people in the Island that had been mis-sold endowment policies. When they went to the J.F.S.C. (Jersey Financial Services Commission) they were told: "It was unregulated; there is nothing we can do about it." These people just had to write off thousands and thousands of pounds, whereas in the U.K. they had ombudsmen that they could go to and in most cases they got settlements. I think the fact that the E.D.D. say that it is going to cost half a million pounds to set up probably tells you more about E.D.D. than it does about the ombudsman as such. But 5 full-time employees and 10 off-Island ombudsmen, what they are telling you there is that there is going to be a big demand for the service. That is what they are saying to you. There is a big demand out there for the service. So I think that we should support this amendment and I think that if it is of equal priority the Council of Ministers should go back and review the way they do the Business Plan and if the plant law does not go through it is not the fault of this Assembly, it is the fault of the Council of Ministers.

The Bailiff:

Does any other Member wish to speak? Chief Minister.

15.1.15 Senator T.A. Le Sueur:

I should make a few comments first because, as has been pointed out, we are being asked here to make a choice and I think it is a choice that none of us want to make because I think we all want an Ombudsman Law and we all want to ensure that the T.R.I.P.S. legislation goes ahead. So, how are we going to resolve this issue and not disappoint one party or the other? Certainly, I will try to give the reasons why in this particular case the Council of Ministers put forward the T.R.I.P.S. legislation or the Plant Varieties legislation ahead of the Ombudsman Law when we all recognise that they have both been priorities for some considerable time and that we need to do both. I take as a starting point the need to diversify the economy. That is something that I think in the discussion on the Strategic Plan virtually every Member said: "Yes, let us try to diversify the economy, try to diversify it into financially rewarding alternative activities, not directly banking or insurance or fund related." To me, one of the clear leaders in diversification is that of intellectual property. In any such debate, in any such business activity, the important thing is to get in at the start ahead of your competitors as far as you can. Perhaps we have already delayed a long time on that one, just as we have delayed a long time on the ombudsman. Now, if I look at the ombudsman scheme, as our comments say and as the former Minister for Economic Development Minister and now Minister for Treasury and Resources Minister said, we all want this scheme. The comments say that we do, but we also want to achieve value for money and avoid some of the excessive costs that have been mentioned this afternoon. I do not have a clear idea how much this is going to cost. I know we can take guidance from the Isle of Man, which may or may not be a good guide to use. What I would suggest we do and what I think Members would ask me to do is to see how we can work with Guernsey to share those costs between the 2 Islands. I think both of us have similar pressures. Both of us have a similar need for this and, indeed, this would be part of the objective that I have in going forward is to have a common scheme for the Islands which ought to provide that additional value for money and deliver a personal, local service in the interests of the consumer. So, what are we going to do for 2010? I appreciate the need for the urgency of both schemes, and if both schemes are ready to go in 2010 then my objective would be to ensure that they do both go ahead in 2010. At the moment the ombudsman scheme is not worded in the legislation programme. I take the point of Senator Ozouf that we have flexibility within the plan and I did say at the start of my speech this afternoon that the plan is designed to have much more flexibility than in the past. So, I would undertake that if the ombudsman legislation is in a position to go ahead in 2010 that the Minister for Economic Development Minister should revisit his priorities within that in order to start that work in 2010 and not wait until 2011. If the work is not ready to proceed but the work on T.R.I.P.S. is ready to proceed, then it makes clear sense for us to do both. Now, I accept that we have a proposition or an amendment in front of us this afternoon which does, therefore, cause difficulties because the amendment does ask us to prioritise when none of us wants to prioritise. I would, therefore, like to suggest to the proposer in his summing up that on the basis of my undertaking that if the ombudsman legislation is ready to proceed in 2010 we should do so as well as the T.R.I.P.S. legislation and not put us in this invidious situation which none of us wants to find ourselves in. That I think is my main comment. I do not want to go on about what Michael Foot might or might not say in his review. Whether he says one or the other, we know that we want both and we know what we want. Certainly, my belief is that in terms of costs T.R.I.P.S. business will bring new revenue which will enable us to pay for any additional regulation that may be required. Ombudsman may be more difficult but the important thing in my view is that we do deliver both as soon as realistically possible. If, therefore, we could get the ombudsman legislation in a fit state - it is, I do stress, a complex area - to start next year, then the legislation programme is capable of being amended to do that and I would give an undertaking that that change in legislation priorities would be brought in during the course of the year as the Council of Ministers revises and reviews its legislation programme.

15.1.16 The Deputy of St. Martin:

Just a quick word to sum up what was mentioned over the other side there. I am not one of those who wants the new plant varieties. It was suggested by the Executive that we all wanted it. Well, can I make it clear I do not particularly want it. So I will ask the Executive: do not speak for me. Just one other point. Senator Breckon has been with this one several times, we know. The last time I think it was he was trying to do a swap with the Licensing Law and he did not succeed there again. Just to make a point: where is the Licensing Law? It is not here again. So, we can have all sorts of reasons as to why we should not have it, but at the same time can we not have something positive as to why we should have it? I would ask that Members ... maybe a fourth time -, Robert the Bruce I think 7 times -, but let us have it this time, fourth time lucky, and let us give our support to Senator Breckon.

15.1.17 The Connétable of St. Mary:

I can see how the Plant Varieties (Jersey) Law fits into the intellectual property jigsaw, and I do think we do need to go ahead with it, but it is clear from what has been said that we need both these pieces of legislation. The Chief Minister asked me to trust him that this law will go ahead, we will try to work in common with our sister island; this law will go ahead if it is ready in 2010. I believe the Chief Minister is a man of integrity and I have no reason to doubt him, but I would just like to suggest a little alternative. If we agree that the legislation programme should be flexible, if we agree there is flexibility, why not have this amendment? Why not put the Ombudsman Law in now and then have the flexibility to develop the Plant Varieties Law at the same time? I do not like the expression but a lot of people call that a no-brainer. It seems to me that that is what we should be doing, and I would suggest that that is what we do. [Approbation]

15.1.18 Deputy M. Tadier:

It seems that Senator Breckon cannot win here. It seems as even though he has quite correctly here found a law which may or may not be required, I think it was the Deputy of St. Martin who said it was by no means clear that anyone was fully behind this new law. It is a very controversial area and there is certainly a debate to be had. I think the Constable of St. Mary has put it perfectly, the ombudsman was on the table a long time before this law ever was. If there is to be a priority which is to be made it certainly seems that the one law which we do all seem to agree is necessary should be the one that takes priority. This new law, which may or may not be perfect and certainly which does need to be debated, should be put on the backburner, and really that is the way, if we are to have both as the Council of Ministers is suggesting, let us accept this amendment now. At least then we know that we will have an assurance for the other law to be brought forward because, with all the best will in the world, we do not know the kind of timescale we are talking about otherwise. I think it is a very sensible amendment and I think the House should back it.

15.1.19 Deputy J.B. Fox:

I am a bit perturbed about this because of all the things that have been said. I have an interest, as you know, in progressing safety and also fairness for the travelling public in sea routes. One of the Green Papers that will shortly be put on Members' desks and for public consumption will require the consideration of E.D. to have a legislative programme for improving the legislation which may be required sooner rather than later. I was given assurance that, in fact, there was some flexibility, but it looks as though our flexibility is dwindling fast. We cannot even make up our mind that we can do both of these at once in this particular case. Recently with the proposition that I brought on behalf of the residents of Bellozanne, the criticism was of not having an alternative to show where it can be taken from. This particular amendment does have an alternative and now we are trying to find a way around it. I shall vote for this amendment as a first priority and hope that the Council of Ministers will go back and redress the other ones and put some flexibility hopefully into 2010's law drafting programme.

15.1.20 Deputy J.A.N. Le Fondré:

I do not think we are too many miles apart, but the trouble is, as I understand it, the intellectual property rights area is an area which could be ultimately quite attractive for Jersey but, oddly enough, to get to that raising the bar to allow us to diversify the economy, et cetera et cetera, we need the plant law, which sounds a bit bizarre but without the plant law you do not get the T.R.I.P.S. agreement and, therefore, you cannot set yourself out on that path of diversification. Also, equally, to counter some of the other arguments that have been made, I have always understood we do have quite a level of expertise in the Island about intellectual property rights. I will not name the company, but certainly there is one company that springs to mind which is very well known and does quite a lot of Island sponsorship, which operates in that whole field. So this is about long-term planning and diversification of our industries, not just another string to the bow of finance but including things like e-commerce, et cetera et cetera. So I am quite surprised that people who call for diversification are not supporting the principles of trying to get the intellectual property rights up. It is complicated but it is also about keeping the options open. Equally, it is not about not having an ombudsman. It may well be that the international pressures that are evolving almost as we speak will cause us to go down that line anyway. I think I will go back to the comments from the Minister for Economic Development. In the very last point it says: "Nevertheless, a report considering the most favourable options in relation to an ombudsman will be brought to the States in due course." Plus we have had the undertakings from the Chief Minister and, equally, I reiterate the comments made by Deputy Jeune. So, as far as I am concerned, I am going to go with the word of the Chief Minister and I am going to

suggest that Members should reject the amendment but under the understanding that pressure will come to incorporate the ombudsman into the process as well.

The Bailiff:

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

15.1.21 Senator A. Breckon:

A number of Members have touched on different issues, so I will try to wrap it as we go through so I can do it in the next few minutes. Senator Maclean mentioned a general ombudsman scheme, but that was some of the work that was done by the Financial Services Commission Working Group in 2002. They had some law drafting recommendations there. They had a brief, and that would be similar to a health and safety law where you have an overarching law and under it you would have things for ladders, scaffolding, grinding machines; that is what they envisaged. Interestingly, fans of Clothier, the report on the machinery of government, I think it is paragraph 9, said that there should be a public sector ombudsman. Of course, there is no structure to do that, but that is to deal with complaints from the public about the administration and about us in general terms. He suggested that would be a day a week for somebody; perhaps he got that a bit wrong. The other thing in there, on 30th May 2007 I attended - there were a few other Members there - the annual general meeting of Citizens Advice. The speaker was the Chief Financial Services Ombudsman, Mr. Walter Merricks. He was gung-ho about Jersey. What he said is he could assist this process, he could help to make it happen, but he also gave ... and I have the slide in the bundle: 50 per cent of the complaints were about the 11 largest groups that they deal with. The next 15 per cent are about the 20 largest groups. So that is really what they are dealing with, and this is in reference to possible costs and what we are talking about. Of course, there are advantages to the consumer. It is free to them. They do not need a lawyer. The ombudsman has the specialist knowledge. They mediate, they investigate and they give a fair and reasonable decision. The levy on the institutions is based on their market share. Banks pay a pound for every 300 bank accounts. Insurance companies pay a pound for every £22,000 of premiums, and small intermediaries pay £50. The case fee is £400 per case, but the first 2 cases are free. Only 5 per cent of the firms covered pay case fees, and they pay that because there are some problems with the services they provide. So, in other words, the ones who are the worst offenders, let us call them, actually pay for the administration of the scheme, and that is right and proper. I think that covers some of the perhaps scaremongering that was in there about the possible costs because I think that is covered there. As I said, the U.K. system are willing to assist. They can do that because it is a mediation process and not a legal process, so they could certainly get involved there. A number of Members have mentioned the intricacies of plant law and intellectual property and things like that. I must confess it is not my specialised subject, but I do understand that it is part of the diversity of the economy and I do not have a problem with that. I want to come to that in a minute or so. Deputy Jeune mentioned working with Guernsey. Well, we are looking at things like perhaps a gaming commission or gambling commission, which exists in Alderney and we do not need to reinvent the wheel. Of course, we can work with anybody and because this is a mediation process, in effect, they do not need to be here to do it. Some of this stuff could be given to a person: this is the case, these are the papers, whatever, but people may get their opportunity to express that. There are issues definitely in working together; I do not think that is a problem at all but, of course, we all have to be willing to do that. What I do not want to do is put a spoke in the wheel and delay it to a great extent. I think in general terms persons looking at this from outside, if you can say you have schemes like this, then I think it is a feather in our cap and I think Members have recognised that. Senator Ozouf also mentioned how this is funded, but I think I have demonstrated this need not be an expensive process. The other thing is I must tell Members a little story. I had an experience myself. I had an insurance dispute with a company. I had a car accident in the U.K. and they would not pay. They did not answer phone calls, they did not return them. Within 10 days of referring it to the insurance ombudsman in the U.K. it was settled. The ombudsman sent me papers, he sent them papers, and because the company said: "Oh, dear, we had better move on this" the ombudsman never touched it. He never touched it. All he did was send out the papers. Now, the fact that the system is there is a good backstop. Somebody says: "Oh, by the way, the bank are not doing anything. Okay then, I will go to the ombudsman." "Oh, just a minute, give us another 10 days." The fact that it is there does not necessarily overburden the system. People who are dealing with it or not dealing with it, as the case may be, tend to get their act together because it is there as a remedy, an effective one because they will go in and they will sort it out. So, that is really where some of that is coming from. The other thing - and the Chief Minister has mentioned this and I think this is very important and it is why I am going to ask for a vote on this amendment - if it does not go in now, I have no way of getting it in. Twice at least with this I have had promises made in this House "We will do it" and it has not happened. So, even if I lose the vote, that is the case but I am definitely going to have the vote because if I do not, if I withdraw it, then I am afraid it goes with the others. That is with the greatest respect to everyone involved. I also believe because the industry has been involved ... and Deputy Higgins will remember this, from 2002 the senior legal practitioners, the Jersey Bankers Association, others, were involved in 2002 and they signed up to it. They signed up to it and I think, as Deputy Vallois mentioned, if people are getting bogged down in disputes then this is a way of perhaps clearing that backlog and focusing minds so that we do not need this: "Oh, is it an ombudsman? Oh, is it? Okay, then, yes, we will offer something, we will do something." I think this would be very effective. While I was looking through that as well, there was actually a quote. This was from the Constable of Grouville, and what he said at the time: "May I add my voice to those who are asking for a financial services ombudsman to be appointed? I had a case

of a parishioner who came to me with an obvious case of mis-selling of insurance products and, when approached, the Financial Services Commission, we were told, had no jurisdiction whatsoever. They could not do anything at all. He had ticked the box marked 'no risk' and been sold something which at least was high risk anyway." Now, that was from 14th September 2006. The other thing is, as I mentioned earlier - and I am nearly finished - the Ministers themselves do have discretion. This House can vote. They can put new plant varieties or anything else back in. I cannot. Because what it says: "Where indicative matters are listed, these have not been allocated drafting time. They may be added to the programme by the Council of Ministers when the policy is sufficiently developed, when the financial and manpower implications are fully established and any funding identified, and when there are both departmental and drafting resources ready to proceed." Now, if this new plant legislation is so important, I would suggest there is scope because the Deputy of St. Martin mentioned we did not get to the Licensing Law so there is a gap there. There are other gaps where if it is really so important the work can be done and it can be slotted in. The other thing which, finally, I think is very important -, not for me but this has been a long time coming -, if we look back to the Edwards review, a recommendation of a taskforce from 1999, very nearly 10 years ago, and it is one of the only things that have not been acted upon. The other at the time, you had too much what was considered unhealthy relationships between the Finance and Economics Committee and the regulators where politicians were removed from some of these things, and rightly so, but this is one of the only things that is outstanding. The other thing it does, it benefits ordinary citizens, the people of Jersey and also small investors outside the Island. It gives them that comfort factor and I think it is the triple A that we really want. I think in general terms I can understand if Members feel conflicted in some way about taking something in and something out, but there is no other way because to bring it as an individual proposition the House could agree it: "Yes, that is a jolly good idea" and then it goes away. What I am asking Members to do is to put this into the law drafting programme for 2010 and I think as the history shows - and I have a suitcase full of papers if anybody wants to have a look - it has got a history, and it is unfortunate because I think it will benefit all: Economic Development, the Island, the finance industry themselves and the ordinary citizens. I maintain the amendment and I ask for the appel.

The Bailiff:

The appel is called for, then, in relation to amendment No. 6 lodged by Senator Breckon. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 32	CONTRE: 13	ABSTAIN: 0
Senator B.E. Shenton	Senator T.A. Le Sueur	
Senator J.L. Perchard	Senator P.F.C. Ozouf	
Senator A. Breckon	Senator F.E. Cohen	
Senator S.C. Ferguson	Senator A.J.D. Maclean	
Connétable of St. Ouen	Senator B.I. Le Marquand	
Connétable of St. Helier	Connétable of St. Brelade	
Connétable of Trinity	Connétable of St. Peter	
Connétable of St. Saviour	Deputy of St. Ouen	
Connétable of St. Lawrence	Deputy J.A.N. Le Fondré (L)	
Connétable of St. Mary	Deputy of Trinity	
Deputy R.C. Duhamel (S)	Deputy K.C. Lewis (S)	
Deputy of St. Martin	Deputy A.E. Jeune (B)	
Deputy R.G. Le Hérisier (S)	Deputy E.J. Noel (L)	
Deputy J.B. Fox (H)		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy of Grouville		
Deputy of St. Peter		
Deputy J.A. Hilton (H)		
Deputy P.V.F. Le Claire (H)		
Deputy S.S.P.A. Power (B)		
Deputy I.J. Gorst (C)		
Deputy of St. John		
Deputy M. Tadier (B)		
Deputy of St. Mary		
Deputy T.M. Pitman (H)		
Deputy A.T. Dupré (C)		
Deputy T.A. Vallois (S)		

Deputy M.R. Higgins (H)				
Deputy A.K.F. Green (H)				
Deputy D. De Sousa (H)				
Deputy J.M. Maçon (S)				

16. Draft Annual Business Plan 2010 (P.117/2009) - paragraph (h) - as amended

The Bailiff:

Very well. That is the only amendment to paragraph (h), so now we return to the debate upon paragraph (h) as amended. Does any Member wish to speak? Senator Perchard.

16.1 Senator J.L. Perchard:

Briefly, just to ask a question of the proposer about the legislation programme. This House has clearly demonstrated its willingness or its eagerness to sign up to the United Nations Convention on the Rights of the Child. I do note 2 pieces of legislation in the legislative programme that would certainly assist in our challenge to sign up to the Convention, and that is the ...

The Deputy of Trinity:

Shall I help the Senator, Sir?

The Bailiff:

Yes, certainly.

The Deputy of Trinity:

I think he will find it is the Human Fertilisation and Embryology (Jersey) Law and the Employment of Children Order.

Senator J.L. Perchard:

That is right, the Embryology Law and the Employment of Children Law. When the Chief Minister sums up, could he advise whether there is any other legislation required that will enable the Chief Minister to sign up to the United Nations Convention on the Rights of the Child and does he share the House's view that it should be done in short order?

16.2 Deputy P.V.F. Le Claire:

Just to support that, that was an amendment that was accepted in the States Strategic Plan that I brought and it was my understanding that that was going to happen in short order.

16.3 Senator B.I. Le Marquand:

In answer to Senator Perchard's point, we still have major problems related to the situation in relation to young offenders. That would require major policy decisions and major commitments of finance in a number of different ways. We have difficulties caused by the mixing together of age groups in the young offenders institution, and no matter how we split the age group for youngsters as between the young offenders institution and Greenfields - and there are proposals to raise the age of those who would be in Greenfields and take the lower level school-age out of the young offenders institution - we are still going to be mixing adult offenders with non-adult offenders. That creates problems. Of course, we have an even worse problem in relation to the situation with young female offenders where we have no specialised young offenders institution at the prison and, therefore, the young women under the age of 18 who would be caught by the United Nations Convention on the Rights of the Child serve their sentences effectively in a women's prison. Now, those matters could not be rectified by legislation without us committing ourselves financially in a major way to additional institutions, which I doubt very much this House would want to do. Therefore, the route forward, if we were going to sign up, would be to seek derogations in relation to these kind of areas which will take some time. But I mention all this to remind Members again

of the major problems we have by virtue of being a small jurisdiction, and these are not easy problems to solve without throwing enormous sums of money at them.

The Deputy of St. John:

Can I propose the adjournment unless we can decide otherwise?

The Bailiff:

It is a matter for Members. Do many Members wish to speak still on the legislation programme?

The Deputy of St. Mary:

Very short.

The Bailiff:

I would imagine we could proceed. The Deputy of St. Mary, then.

16.4 The Deputy of St. Mary:

It is just a question for the Chief Minister. On page 108 under T.T.S.: "Work will start on a new Street Works Law with the object of enforcing a co-ordinated and managed street works policy." My understanding on Scrutiny was that work on this law was already well under way and a good thing, too, so I just want clarification on the rather odd wording: "Work will start on ..." I am concerned that we need to get on with this because lack of that Street Works Law is costing the Island a lot of money.

The Bailiff:

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

16.5 Senator T.A. Le Sueur:

Maybe I will deal with that one first. Yes, there has been some improvement in the arrangements for street works in respect of the co-ordination of services between the different utilities and the digging up of roads. This, I think, takes it a stage further into having an even more managed policy but, as the Deputy says, it is underway or it is planned to be underway and it is a further step in the right direction, so I do not think there is any great difficulties between us there.

The Deputy of St. Mary:

If I may just clarify, my concern was that it was already underway. I am very concerned that it now appears not to be underway and it is going to be underway. I thought it was happening.

The Connétable of St. Brelade:

If the Chief Minister will give way briefly, just to clarify, the Street Works Law is well underway. Consultations have taken place with all parties involved and we have got now to the legislation stage where the Law Officers are being instructed. So, this is the final tranche of the law.

Senator T.A. Le Sueur:

I am grateful to the Minister for T.T.S. for clarifying that issue. The other comments related to the United Nations Convention on the Rights of the Child and the need, as evidenced by Deputy Le Claire, to pursue that in line with his amendment to the Strategic Plan. Yes, in answer to Senator Perchard, as soon as we possibly can we will want to sign up, but there is this conflict of legislation in respect of young offenders. Members will notice if they look at page 107 that work will continue on the following, and that does include the Criminal Justice (Young Offenders) (Jersey) Law as well as the others that were mentioned about the Human Fertilisation (Jersey) Law and any other legislation required. But having passed the laws in theory, I suspect that there will be implications in order to implement that. I take the point of the Minister for Home Affairs that the simplest way to do this will be to seek a derogation. That is the simplest way but it is not necessarily as simple

as it sounds and certainly not as quick as it sounds. So, I think the answer is we need to be demonstrating from our point of view that we are doing all we can and at the same time apply for that derogation should it be required, and I think it will. The need is certainly there and the legislation programme is designed to ensure that that objective is delivered as soon as possible. I thank all of the Members who have spoken. I think I go back to my opening remarks where I spoke about flexibility, and I think that is probably particularly apposite in relation to the debate we have been having for the last couple of hours on the Ombudsman Law. I take very much the point of the Constable of St. Mary that we have that opportunity right the way round. I want to use that flexibility to the maximum possible advantage for the benefit of all of us in order that we can bring forward projects that are ready to go when they are ready to go. I think if Members did look at the annex to the plan they will see that in the programme for the period May 2009 to 2010 there is law that has been there 2006, 2005 or earlier, 2006, 2008, 2007. Very often legislation gets brought forward, clogs up the legislation programme and kicks out other more necessary stuff. Our objective is to make this far more flexible and if there is something there which is not ready to go, it gets put to one side and something else which might not have been quite such a high priority will come back in. I say that in particular reference to the Ombudsman Law: there is something else that is not ready to go, but the T.R.I.P.S. legislation is so let us do that. But in general terms I do impress this flexibility which I think can only be for the benefit of all of us. With those comments, I maintain proposition (h) of the plan.

The Bailiff:

Very well. All those in favour of paragraph (h) kindly show? Those against? Paragraph (h) is adopted. That concludes the Business Plan. **[Approbation]**

Senator T.A. Le Sueur:

I know it is past the hour and we would normally rise, and I do not want to keep Members for any great length of time, but I just would like to thank my Deputy Chief Minister and the Minister for Treasury and Resources for taking the majority of the Business Plan through on my behalf, to thank officers who have spent a terrific amount of time in a very short space between the Strategic Plan and now getting the Business Plan into a state where it can be debated, and can I thank Members for their attention to this. I want to discuss with my Scrutiny Panel the way in which this process and the Strategic Plan process can be further improved. I do not think we have it quite right yet, but I do hope that when we come back this time next year we will have a process which Members can say: "That is better than last year or better than 2009, is it not?" I will work with the Scrutiny Panel and I am sure that we can find a way of ensuring that that does get achieved. Meanwhile, Sir, I thank you for your patience over the days of this debate and others who have sat in the Chair in your absence. I thank Members for their patience. I thank Members for their contributions. With those comments, I now propose the adjournment. **[Approbation]**

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

The Bailiff:

Very well. Just before the adjournment, can I draw Members' attention to 2 matters which have been lodged. The first one is the Draft Shops (Regulation of Opening and Deliveries) (Jersey) Law amendment lodged by Deputy Gorst; and, secondly, the Draft Digital Switchover (Disclosure of Information) (Jersey) Law - Projet 165 - lodged by the Minister for Economic Development. The only other matter that perhaps I can mention before we adjourn, then, is that Members did agree last time, I think, that at this meeting we would also take Projet 135 lodged by Deputy Southern, so that is what we will start with tomorrow morning. It will, in fact, as the Greffier set out in his email to all Members I think, start as a continuation of this meeting and then once we have concluded Projet 135 we will then formally begin the next meeting of the States.

17. Senator P.F.C. Ozouf:

Would it not be easier if we did just simply agree for Deputy Southern's proposition to be the first item of business after Public Business so that we can then start the day in the normal way and the normal rhythm of matters, if that is agreeable? It does not seem to me to be sensible to start another meeting ... and we just do it first item of business.

The Bailiff:

Deputy Southern, are you happy to proceed in that way? It certainly seems reasonable.

17.1 Deputy G.P. Southern:

Yes.

The Bailiff:

Very well. If Members agree that, then we will, in fact, start first thing. I am sorry, there was one other matter. I had agreed that the Connétable of St. Peter could make a short personal statement, so I think we will just do that.

PERSONAL STATEMENTS

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

Thank you, Members, for your patience for a very short period of time. I would just like to take the opportunity to thank the honorary officers from the Parish of St. Peter for their efforts over the weekend in dealing with the furze fire along the southern bank of Val de la Mar Reservoir and the western headland in St. Peter. They were on duty from the start of the fire until the area was declared safe on Sunday afternoon. I would also like to mention special thanks to the officers from other parishes such as St. Mary, St. Ouen, St. Brelade, St. Lawrence and I believe also an officer from St. Clement, who all arrived on site to offer their assistance. Certainly, the police side of the operation went very well with support from the States of Jersey Police, including those who managed the receiving centre that was set up in St. Peter Youth and Community Centre where evacuated residents were processed. Of course, I must also mention the fire officers from the States of Jersey Fire and Rescue Service who remained on site throughout the night and also the Airport Fire and Rescue Service who attended with their big guns, and also the St. John Ambulance staff who spent a lot of time washing out our eyes which had debris and smoke in them. Finally, I would also like to thank St. Peter residents who helped out in many ways, especially the wife of St. Mary's Chef de Police who was abandoned by her husband at the community centre while he went to assist the police, who stayed on at the community centre to make tea and offer words of sympathy to the evacuated residents. While the operation went extremely well, assisted from the lessons learnt from the Broadlands fire last year, there were still some learning points regarding the relief and comfort of officers who stayed at their post for many hours, and that will be brought into the Parish of St. Peter emergency plans. I thank Members for their patience while I delivered that message. **[Approbation]**

The Deputy of St. John:

I believe we are entitled to ask questions on a statement, Sir.

The Bailiff:

No, not on a personal statement. **[Laughter]**

The Deputy of St. John:

A personal statement? That was not a personal statement.

The Bailiff:

It was because it is not a matter for which the Constable, as a Member of this Assembly, has official responsibility, so the tradition has been that where a Constable wishes to make a statement like that it is treated as a personal statement.

The Deputy of St. John:

I accept the Chair's decision.

ADJOURNMENT

The Bailiff:

Very well. The Assembly stands adjourned and we will recommence at 9.30 a.m. tomorrow morning.