

# STATES OF JERSEY

## OFFICIAL REPORT

WEDNESDAY, 29th NOVEMBER 2023

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[9:30]

**The Roll was called and the Deputy Greffier of the States led the Assembly in Prayer.**

**Male Speaker:**

Sir, may I inform the Chamber that I will be attending a funeral later on this morning?

**The Bailiff:**

Thank you very much, Connétable.

**Connétable K.C. Lewis of St. Saviour:**

Sir, I have a medical appointment at 11.00 a.m. I should not be away long.

**PUBLIC BUSINESS - resumption**

**1. Reform of the Composition of the States Assembly (P.76/2023): amendment (P.76/2023 Amd.) - resumption**

**The Bailiff:**

Thank you for giving that notification. We resume the debate on P.76 and Deputy Farnham's amendment, which we were debating when the Assembly rose last evening. Next scheduled to speak, on those who have indicated a desire to speak, is Deputy Scott.

**1.1 Deputy M.R. Scott of St. Brelade:**

I thank Deputy Farnham for the thought he has given to his amendment. The Deputy raised some issues in his speech that I believe need to be followed up. In particular, the problems of a 4-year term for all States Members presents for Government continuity. Having reflected on the 2 speeches that followed his opening speech, I am inclined to support his amendment and I will now explain why. Constable Jehan may have been tired yesterday. His speech did not consider the value of the amendment or to seek the reasons why I am bringing this proposition. So let me please remind States Members of the reasons for reinstating Senators that were set out in my report, in its addendum and in my opening speech. These related to improving inclusivity in the States Chamber, optimising resourcing of the Assembly's governance functions and creating efficiencies in public spending. I talked of improved accessibility, giving people like hard-working immigrants and finance workers who represent 40 per cent of the workforce in the Island the opportunity of having a direct voice in the States Assembly using a route that can work better for them. These are serious issues, pivotal to the future success of this Island's management of public finances and its economy. We are politicians. Yes, it is important to learn from those we represent, but our main role is to learn from each other. This is particularly important when organising how we can best deliver value on behalf of Islanders. Our increased inclusivity in this Chamber right now should give us fresh eyes, if we do not choose to be wilfully blind. Constable Jehan referred to a way of enabling immigrants to vote. Although his suggestion has merit, it does not address my arguments regarding accessibility to this Chamber for immigrants or those whose reach among the electorate is Island-wide rather than localised. The simple truth is that only some Members of this Assembly can be the voice for the lived experience of the immigrant, of the finance worker, seeking to offer his or her skills in public service, and to insist in governance and representation. When Constable Jehan resigned from the Council of Ministers, he expressed concerns regarding public spending yet he did not comment on the financial efficiencies that arise from the duplication of costs of constituency roles at all. If he has read the addendum, he will have gauged how the costs of this system are stacking up already, just at the stage of initial development. Is he a supporter of efficient public spending or is he paying just lip service to that, as well as the principle of improved inclusivity in this States Chamber?

**Deputy J. Renouf of St. Brelade:**

Sir, can I raise a point of order?

**The Bailiff:**

Yes, you can.

**Deputy J. Renouf:**

I am not entirely sure that these speeches are relevant to the amendment. This seems to be another attempt ...

**The Bailiff:**

The speech is an amendment and it is always ... of course, there is always a balance to be struck between a Member's right to speak and to traverse the points that they believe are relevant and important. It is only when it crosses a certain threshold, I think, that the Presiding Officer feels compelled to intervene and question the relevance. But general political statements about the political views of other Members on other unrelated matters seem to me to be difficult to pull within that definition of relevance. Deputy Scott, you have heard the intervention, and your speech obviously should be tied in relevance purely to the acceptance, which I now understand you do accept, as opposed to the position you took at the beginning of this debate, of the amendment of Deputy Farnham. Because you will speak again on your own proposition after that.

**Deputy M.R. Scott:**

Absolutely, Sir. I will return to Deputy Tadier speaking in this amendment because basically he did speak to the amendment, and I will follow on from there. Thank you.

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

I was just going to ask on the ruling, Sir. Is it also the fact that when we speak to an amendment we should also say why we think the amendment is better than not having the amendment and why it makes the original proposition better than if it did not have the amendment?

**The Bailiff:**

I am loathe to give prescriptive directions as to what Members should say in their speech, but one might logically assume that anyone speaking to an amendment would say it is a good amendment because it does this or it is a bad amendment because it does that or does not do. One would logically assume that, but I am certainly not going to give a direction about it, Deputy.

**Deputy M.R. Scott:**

I am sure the Chamber is waiting with bated breath, so I will continue to explain.

**The Bailiff:**

Yes, this is not intended to knock you off your course at all, Deputy Scott. Please do continue.

**Deputy M.R. Scott:**

Deputy Tadier, and I thank him for speaking to the amendment and for recognising my original thinking regarding the value in having the P.P.C. work through the numbers in terms of constituency representation. Obviously, Deputy Farnham's amendment does not actually give the P.P.C. this opportunity or, some might say, work. The addendum to the proposition sets out the Venice Commission principles that have served as a guide in evening out voting numbers across constituencies. But we remain with the reality discovered by the former P.P.C. that it is difficult to make the numbers work perfectly, particularly in small and unique populations such as Jersey. There is room for follow up, and I would be happy to work with the Deputy to propose further adjustments. Deputy Tadier did not speak about any numbers in the context of public spending. In fact, he

suggested in a previous debate that controlling public spending is a big concern to him, which I hope was a joke because I think public spending is not a joke, but I do have difficulties in reconciling Deputy Tadier's speech with the Electoral Commission's stance that the balance of States Members activities should be geared towards Island-wide work.

[9:45]

In my experience, Deputy Tadier has informed at least one Islander, who has contacted all of the St. Brelade's representatives, that Deputy Tadier prioritised his own constituents. When the Deputy mentioned Scrutiny, he failed to mention that he is not on a Scrutiny Panel himself. Now, I do not object to the Deputy prioritising constituency work over Scrutiny participation, despite the value that he could bring to my own panel as a former Assistant Minister.

**Deputy M. Tadier:**

With the Deputy give way.

**The Bailiff:**

For a point of clarification?

**Deputy M. Tadier:**

It may be a point of order, because I think it is misleading the Assembly but I would hope it is ... if she would give away.

**The Bailiff:**

Well, it can only be a point of clarification of your speech, and you have spoken in this part of the debate. So you can clarify your speech or you can ask her to clarify a point of hers, but only if she gives way. Do you give way?

**Deputy M.R. Scott:**

What exactly is it?

**The Bailiff:**

No, no, I am sorry.

**Deputy M.R. Scott:**

Yes, I will give way. No, I am happy to clarify.

**The Bailiff:**

You either continue to speak, Deputy Scott, or you give way.

**Deputy M.R. Scott:**

Sorry, Sir, I give way.

**The Bailiff:**

Very well.

**Deputy M. Tadier:**

It is misleading and not true to say I am not on a Scrutiny Panel because I am on a subpanel and we still had a meeting this week. I was part of the ... and I said that in my speech.

**The Bailiff:**

I think you must express that: would the Deputy clarify whether you are in fact a member of any panel? But I think you have said what you wanted to say.

**Deputy M. Tadier:**

I am clarifying ...

**The Bailiff:**

But we really do have to try and keep within the rules of debate within the Chamber. Deputy Scott, please do carry on.

**Deputy M. Tadier:**

Sir, the Deputy gave way and it is to make a point of clarification. I am simply clarifying what I did say in my speech actually, is that I have been on a Scrutiny Panel. It happens to be a subpanel and it had just as much work in that review, which we are still looking at. I met with the panel this week to consider the Minister's response to that, which we are still working through. So it is an ongoing panel that I am on so it is simply not true to say that I am not on a Scrutiny Panel.

**Deputy M.R. Scott:**

I do not think that was a point of clarification not being asked, and I am sorry that the Deputy has ...

**The Bailiff:**

I am not going to get into a debate as to what Standing Orders are being followed.

**Deputy M.R. Scott:**

However he has said his piece, Sir.

**The Bailiff:**

Please do not talk across me, Deputy.

**Deputy M.R. Scott:**

Sorry.

**The Bailiff:**

I am not going to get into a debate as to what Standing Orders are being followed or not being followed because a fair number of them are being stretched to the limit, certainly of my tolerance. If we will continue, if you would stay on the matter of the of the amendment and then the debate will progress much more quickly.

**Deputy M.R. Scott:**

I apologise to the Deputy for not mentioning that he is on a subpanel of Scrutiny. Now, coming back to what I was saying, I do not object to the Deputy prioritising constituency work over Scrutiny participation ... full Scrutiny participation - sorry, Sir - despite the value that he could bring to my own panel as a former Assistant Minister for Arts and Culture. But I am troubled by the publicly-funded time I am wasting informing Deputy Tadier of actions I have taken regarding constituency matters without receiving a similar courtesy from him by ...

**The Bailiff:**

Deputy Scott, could you please explain to the Assembly and to me why this is relevant to whether Deputy Farnham's amendment should be accepted or not? It could be that it is, but I cannot immediately see it, I am afraid.

**Deputy M.R. Scott:**

In an ideal world, P.P.C. would be making more sense out of this messiness. The messiness I am talking about are things like the actual need to adjust the representation in the constituencies. But I have also pointed out that we are never going to get it absolutely evenly balanced. Deputy Tadier

was actually pointing that out as an advantage to not accepting the amendment. In an ideal world, I believe that the P.P.C. would, at this stage, be doing some serious role-defining and some serious cost-benefit analysis that would offer greater refinement in the way that Deputies are distributed among constituencies. That is what my original proposition has sought; what the main proposition has sought. But very early on in this opening speech, Deputy Farnham alerted Members to the difficulties in this respect. Given that he is a member of the P.P.C., I guess he has more insight into its workings than many. I, myself, have lectured ... I should not say lectured, but have suggested to the Minister for the Environment that we need to think about pay seriously, and I need to be aware that the pace for change needs to be put forward in a staged way and in a logical way, and this is the first step. I am already aware that some Members prefer Deputy Farnham's more rough-and-ready approach as a way of moving matters in the right direction with the advantage of certainty, while sparing Members grief and hassle and the occurrence of potentially more public costs in doing a more detailed analysis in the way that I had originally envisaged. I bow to the wisdom of those Members from what I have learned so far. I do intend to support his amendment and encourage other Members in the Assembly to do likewise.

**The Bailiff:**

I have obviously been fairly lenient in the way that I have applied Standing Orders up to this point. I think I must, in the interests of discipline within the debate, be somewhat more assertive in terms of relevance, and I will try and achieve the correct balance. Among the Standing Orders that not only have been not applied in the last speech, but generally throughout the Assembly over yesterday have been avoided, is the way that we should refer to other Members of the Assembly. There is no such person as Constable Shenton-Stone. There is no such person as Constable Jehan. They are respectively the Constable of St. Martin or the Constable of St. John, and Constables should be referred to by their Parish and not by their surname. That is expressly within Standing Orders. I am not making it up. It is there so, by all means, Members can go and read it, and that is what should happen in the future.

**Deputy M.R. Scott:**

My apologies for that, Sir.

**The Bailiff:**

That is accepted, Deputy, but you are far from the only one. It was common usage yesterday and I thought that now, having heard it again today, it might be a useful point to mention it.

**1.1.1 Deputy M.R. Ferey of St. Saviour:**

I would like to say it is a pleasure to follow Deputy Scott, but I am not sure that I can say that at the moment. I think with the benefit of hindsight, it might have been better if Deputy Scott had accepted Deputy Farnham's amendment, as this would have made for a much smoother debate. But I will keep my points to the amendment. It might seem like a long time ago, but a year and a half ago we were all knocking doors, and I think in my Parish I was one of the candidates that probably knocked the most doors. I did not keep a tally but judging by the boxes of leaflets that I gave out by hand, it was certainly in the thousands. Undoubtedly, the question of Senators came up time and time again, and my response to people who raised it was: "What is the solution? How do we bring Senators back?" Some were not quite sure of that answer. They were quite happy just to say that is for the Assembly to decide. But the people that had thought about it had exactly the same solution that Deputy Farnham is proposing of 9 senators; one from each constituency. This seems a very simple solution to a problem that perhaps we are overcomplicating. I welcome Deputy Farnham's amendment to Deputy Scott's proposition but when I walk into where I work on a day-to-day basis, I have the privilege of being able to have an office space at C.L.S. (Customer and Local Services), which was the Social Security building and, at the end of that corridor, there is a picture. I am in the



far-flung part of the building, well away from everybody else, and I do not take that personally. I think it is just the best space for me. But when I walk down to that corridor there is a picture. There is a black and white picture of a gentleman with a pipe and rather Victorian looking. [Aside] Not Churchill. Deputy Gorst will know the picture that I am alluding to, because in the bottom inset in that picture there is an O.B.E. (Order of the British Empire), and that picture used to take pride of place in the Social Security boardroom. Now it is in that far-flung corner of the office space where I sit. That picture is of Senator Philip Le Feuvre. That was the Senator who brought in the Insular Insurance (Jersey) Law 1952. When we think there are protests outside for the big issues of the day - the teachers, the dreadful things that are happening in the Middle East - if you look back to 1952, the place was swamped with marauding farmers and business people thinking their way of life was going to be devastated purely because we were bringing in, or the Senator was going to bring in, social insurance, the Insular Insurance (Jersey) Law. It is the biggest piece of social legislation to probably ever affect the Island and that was brought in by a Senator. So when I look at the Senator's picture in the morning, I quite often think: "I wonder what he would think the answer would be to how many Senators we should have in this Assembly." Because in my mind, it is not whether or not Senators should come back. The question is how many Senators is the right amount? I do agree that Deputy Farnham's proposition is the right amount. But this is not about being retrospective. This is not looking back on a golden age, because when I look around me in the Assembly now and I work with Ministers who are on portfolios - very busy portfolios - and I know lots of other people are busy as well. The Connétables are busy. Deputies are busy with their constituents. But when I look at particular Ministers who cut across 2 busy portfolios and they have 3 Parishes to also try to get to Parish meetings, because I am sure, as my Connétable will attest to, I attend every Parish meeting that I possibly can. When I speak to Ministers and I say: "Do you go to every Parish meeting in your constituency, which is made up of 3 parishes?" The answer is: "Yes." Now, I think that is an unintended consequence to where we have got to with the way that we are constituted. I think bringing Senators back would bring that dimension back that is sorely missing and people are stretched. I do not think that is what we intended when we changed the way that the States are made up. The good thing about the last changes is there are no uncontested Deputy seats. Voter equality is undoubtedly better than it was. But, if we are honest, the biggest single thing with voter equality is the Island mandate, because every voter gets a chance to vote for the person that they want to see in this Assembly. Lastly, when I look at Guernsey, Guernsey have just gone from a Parish system to an Island-wide system, and now there is a desperate need to bring their Deputies back into the Parishes and they are struggling with what is the correct number, what is the right number of Island-wide mandate to Parish mandate people or Members? It is clear that we had a really good system with Deputies looking after people in their Parish, the Constables looking after the Parishes and Senators looking after the Island as a whole. Some people say: "Well, maybe Senators used to shrug off constituency work. Actually, the whole Island was Senator's constituency work and any Islander could go to those central figures. Lastly, when I look at the position of the Chief Minister as well as busy Ministers, the Chief Minister coming from the ranks of the Senatorial benches was the right solution for Jersey. Yes, I will be supporting this proposition and I urge other Members to do the same.

### **1.1.2 Deputy J. Renouf:**

Many of the speeches have just been about the main proposition, and certainly Deputy Farnham's speech was almost entirely about the main proposition. Which is ironic because he said in his speech that in the past Members have taken a number of constitutional questions without due consideration. In his speech, he said almost nothing about his amendment. The amendment says 9 Senators. That is the thing which he needs to justify in this amendment. I still have not heard a justification for 9 Senators. Why 9? It does seem, as far as I can tell from the speeches that have been made, that the big reason for 9 Senators is administrative convenience. It is the simplest thing to do.

[10:00]

Knock one off the districts and put them into an Island-wide election so it can be achieved easily and quickly. Or, as Deputy Tadier said, perhaps it is just because we have never tried 9 before. Expediency, not principle. No consideration of the mechanics of having 9 Senators with the potential for 20 or 30 candidates. How will this work in hustings? It might, but we have not seen any analysis of that. Maybe we would do away with hustings and do something different. Again, there has been no consideration of that. Might we not want to consider other options? At least the original proposition kept that option open. There is no analysis of apportionment. A few people here will know what that means. But having sat on the Electoral Commission ...

**Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter:**

Will the Deputy give way for a point of clarification?

**The Bailiff:**

A point of clarification of your speech or of what the Deputy has just said because you will, of course, have a chance to respond. So you would like clarification of what the Deputy has just said?

**Deputy L.J. Farnham:**

Yes, Sir.

**The Bailiff:**

Would you give way, Deputy? It is entirely a matter for you whether you do.

**Deputy J. Renouf:**

Yes, I will give way.

**Deputy L.J. Farnham:**

I let a couple of things the Deputy said go. He alluded to the fact that my speech did not address the amendment, so I wonder if he could clarify whether he actually listened to what I said and has he read my amendment because what he is saying is completely incorrect?

**The Bailiff:**

I am not sure that is a point of clarification because ...

**Deputy J. Renouf:**

But I am happy to respond to it.

**The Bailiff:**

Yes, well, there we are.

**Deputy J. Renouf:**

I did not say that he did not mention it. I said he made virtually no mention of it. If you look back at the speech.

**Deputy L.J. Farnham:**

In fact that is not correct.

**The Bailiff:**

I am sorry ...

**Deputy J. Renouf:**

I am not giving away any further. If you go back to that speech, you will find that I am absolutely correct. If you look at the report that accompanies the amendment as well, I think three-quarters of the way down it mentions the figure of 9, but you will have a chance to make your points ...

**The Bailiff:**

Through the Chair, please. “The Deputy will have a chance to make his points.”

**Deputy J. Renouf:**

The Deputy will have his chance to make his points summing up. So there is no analysis of apportionment, which is the way we have of judging whether the correct representation is achieved for people in different areas. Is there a bias within the system towards, say, urban areas, rural areas or towards particular constituencies? That analysis has not been mentioned? There has been no detail on that, not even a mention. My view is that if we are going to go back to an Island-wide mandate, then it is right and proper that it should be properly considered with many different options under consideration, because the issues are weighty. The issues are significant and we have never reformed our electoral system in the past on the basis of such flimsy arguments as are being put forward here. Virtually absent arguments. These have been issues that have been referred to commissions or to Clothier or to, in the case of the last set, at the very least, P.P.C. going around the Parishes, talking to people, making sure that there is proper feedback. These are big, serious issues. They should not be decided just on the basis of a simple piece of administrative convenience that allows one person to be lopped off each constituency. My contention is that we should reject this amendment because this is a serious matter that requires much more consideration than has been given so far. There has been no detailed evidence to suggest why 9 people would be the best. In fact, the complete absence of that detail, when you compare it to previous attempts to reform our electoral system, the amount of research that was done, the amount of consideration given to the various different issues of how you would effectively organise the election, what effect it would have on voting weights and so on, that work is entirely absent. If we are going to go down this route therefore, I would say reject this amendment. You can reject this amendment and we could still end up with this solution. But let us at least do it with proper consideration of all the issues.

**1.1.3 Deputy S.G. Luce of Grouville and St. Martin:**

In debates like this we get lots of quotes about statistics. I just looked up some famous quotes about statistics. Of course, the most famous one is: “There are lies, damned lies and statistics.” There is another one that goes, “If your experiment needs statistics, you ought to have done a better experiment.” The last one I would say to Members is this: “It is a mark of a truly intelligent person to be moved by statistics.” That may be right but of course there are always lots of statistics. Yesterday, when Deputy Tadier spoke, he quite rightly highlighted the fact that in St. Saviour there are 6 representatives and a large number of constituents, and that the area of St. John and Trinity and St. Lawrence were better off because they had more representatives. But of course, what the Deputy forgot to say to us was, that when it comes to the value of your vote, that of course in the 3 Parish constituency voters only get to vote for a smaller number of Deputies and one Constable. So the voters in that area only get to vote for 5. When you look at the numbers, the value of the votes in those 2 areas, those 2 constituencies - St. Saviour and St. John, Lawrence and Trinity - they are almost identical. So be aware Members. The statistics can be used in very many different ways and those 2 constituencies are almost identical. In fact, if you adopt Senator Farnham’s amendment and remove one Deputy, the voter in St. Saviour is better off than the voter in the area of Trinity and St, John and St. Lawrence. So we need to be careful. We need to be careful the way we use statistics. We need to remember that. I am going to support this amendment. It is been described as rough and ready, but it is simple and straightforward. It returns us to a number of Senators that we enjoyed previously. When it comes to the main debate, I will explain further why I will be supporting it. But for now, I would just say to Members, removing one Deputy from each of the electoral constituencies does not always give you the effect that you might be led to believe.

#### **1.1.4 Deputy C.S. Alves of St. Helier Central:**

I am going to talk solely to this amendment and what Deputy Farnham has said, and I will keep this short, because I do not want to repeat points, and I do not want to cover points that should be made in the main debate. Deputy Farnham, in his speech, stated that the original proposals without this amendment would, and I quote: “Require significant other work to be undertaken by P.P.C., which would be challenging to complete among lack of consensus within members of P.P.C.” In the last term, a separate subcommittee was set up, specifically looking at reforms and different proposals. That was called the Election Observers Committee. Yes, it was made up of 3 P.P.C. members at the time, of which I was one of them. But this does not have to be the case. We have other P.P.C. subcommittees that have only one member of the main P.P.C. Committee, for example. Even back then, we did not always have consensus when proposals were brought back to the main P.P.C. But all members did agree to allow proposals to be lodged so that things could be debated. In fact, I remember bringing something forward myself as P.P.C. chair, which I did not agree with, but I did agree needed debating and I remember voting against things. In fact, I remember this distinctly because a fellow P.P.C. member, the then Deputy Guida, decided to out me on Facebook about one particular proposal, and I defended my decision by saying that I agreed to lodge it because it was important that this Assembly debated those proposals. I think it is important that members of P.P.C. recognise that they may not always agree with proposals being brought forward but if Members really want to ensure the democratic process of debate and voting is followed, they should agree to allow things to go to debate, irrespective of their own personal beliefs. This is what debate in this Chamber and the vote is for. Let us face it, if anyone knows how challenging it is to come up with proposals that will get a consensus, it is me. I drafted 4 different proposals during the first 2 years of the last term while being on one of the busiest Scrutiny Panels, the Health Panel, among various other subcommittees. We still managed to hold discussions and consultations with Members to ensure that everybody’s views were gathered that could inform a proposal that would gain support in this Assembly. If I could do it along with 2 others, I am sure P.P.C. are more than capable of looking at this again. We did it last term. We were successful in getting something passed and we were in the midst of a pandemic. I strongly disagree with Deputy Farnham’s comments that P.P.C. will find it challenging to do the work required of the original proposition without this amendment. In fact, I will volunteer again to be on a subcommittee that revisits this, whatever the outcome of this debate. Now I understand why Deputy Farnham has brought this forward as, on the face of it, and as many have mentioned, it does seem the more fair and democratic way of doing this. But things are not always as they seem, and I think Deputy Tadier did a good job of highlighting this issue with his comments about the overall representation of each constituency. I will not repeat what was said yesterday, and I will not get into the mathematics behind it, as much as I would love to. But I will remind Members of one particular decision that the last Assembly made. In the first set of proposals, which made it to debate around electoral reform with the last P.P.C., this Assembly voted for part (a) P.126/2019. That is P.126/2019, if anyone wants to look up that vote. They voted in favour of and I quote: “To agree that fair representation and equality in voting weight and power across the whole population should be the basis of any reform of the composition and election of the States.” This amendment currently being proposed would not make the current voting weight and power better, and I would like to think that this current Assembly would still agree with this decision. Like the Constable of St. John said, let us not go backwards. But by accepting this amendment, there is no doubt that P.P.C. will not be able to explore any other option. So if Members really believe and want to encourage democracy, then I would urge Members to vote against this amendment, if nothing else than to allow P.P.C. to have the freedom to explore different options if the original proposal is adopted.

#### **1.1.5 Deputy L.M.C. Doublet of St. Helier Central:**

I am just looking over my speech because I do not want to repeat the excellent speech of Deputy Alves there. I just wanted to respond to something a previous Member mentioned about the proposer

of the main amendment, and it being ideal that she may have accepted the amendment to the proposition. I wanted to defend her right not to do that, because I think one of the core principles that we operate by is that we have the freedom to change our mind. I think that is a good thing, if we can retain that ability to listen to each other and to change our mind during the course of a debate. It might be a bit less convenient but I applaud the Member for taking the opportunity to listen and changing her mind, even if it is not something that I might agree with. I would encourage other Members to come into this Assembly, into the Chamber, with that open mind and ready to be persuaded by each other. I am not minded to disclose whether I am in favour of the main proposition at this time but, as Deputy Alves has mentioned and previous speakers, the single point we need to focus on is: does this amendment improve the main proposition or not? If a Member is in favour of restoring Senators, they might consider that it does make the main amendment a bit less bad and be tempted to vote for it, to soften the effect of the main proposition. On the other hand, a Member might be in favour of restoring Senators, and think that looking over Senator Farnham's report that this number of 9 seems quite manageable, seems reasonable. There are some tables at the end of the report with some data and some evidence there, so why not go for it? I do applaud Deputy Farnham for his commitment to this issue because he is fairly relentless with this and obviously believes in it passionately. But, as Deputy Alves has referred to P.P.C., Senator Farnham is not a body of elected members. I have a lot of respect for Senator Farnham, and I know that he does do his homework. There is a slip there; Deputy Farnham. But this Chamber, as a body, has elected a representative body in P.P.C. We do not just elect the chair of P.P.C., we elect all of the members. Those members are there to make these considerations for us. Then P.P.C. to bring to the Chamber and to do all of that work and all of that background information collecting, of which there has been absolutely a massive amount. I understand quite well, I think, from conversations with Deputy Alves how much work went into previous debates that we had and how long it took to get to a point where we had something that was acceptable to the Assembly. It is just not acceptable to me that we should vote for something that has been brought forward by one Member. Whether Members are for or against the principle of restoring Senators, this amendment does not improve the main proposition and Members should vote against it.

[10:15]

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

I noted that earlier in the debate you reminded Members they need to refer to the Constables in their proper title. It does occur to me, I hope I may be able to say this, that there are quite a few breaches of Standing Orders going on at the moment and I would urge P.P.C. (Privileges and Procedures Committee) to perhaps do some training so that Members, for example, when they are being addressed by the Chair know they have to sit down and numerous other things that seem to be going by the board, which I am sure you will be dealing with in due course. To address the single issue of the amendment and the number 9, some Members seem to me to be making rather heavy weather of it. We did have a period where we had 8 Senators and that was perfectly manageable. I certainly chaired hustings involving hopefuls for that situation. Of course, in those days we had a separate election day and that is not something that has been mentioned yet but I would certainly hope that if this proposition goes through, either amended or not, that P.P.C. look at the possibility of having a separate election day for Senators. I must say, since we have the single election day, which was going to be the kind of silver bullet to get people to vote, I do not think it really achieved that and one could argue that the separate election day for Senators was a very good way of gingering up the voting public to get them ready to vote in the subsequent elections. France, of course, have elections on 2 successive Sundays. It also, of course, had the advantage that unsuccessful candidates for the Senatorial vote would then be very familiar with the procedure when they ran either for Deputy or Constable. I think that that is all good, so I would hope that P.P.C. would take that thought away if the result of this debate is to support the reintroduction of Senators. It, after all, does not really matter about whether we support the amendment or not, so long as those who support the reintroduction of

Senators make good arguments in the main debate. I am looking forward to the main debate, because certainly my position has shifted over the years. The other thing I wanted to say about Senator Farnham's amendment is I think some Members have described it in rather unflattering terms. I think it is elegant because what he is offering is a way of simply slicing off each of the electoral districts, a single seat, and putting those seats towards the Senatorial position. That surely cannot influence the voter equity of the system that we currently operate under because you are taking a seat away from each of the districts. As I say, I do not see a problem with the number 9 and I will support the amendment, but I do not see this as a vote of confidence or not in P.P.C. I think the Deputy is trying to be helpful. He is also aware of the ticking clock which always is a problem when we come to try to change our electoral system. There is not long to get it done and I think the Deputy is offering a way of saving time and that that is worthy of our support.

### **1.1.7 Deputy S.Y. Mézec of St. Helier South:**

There is a very simple reason for voting against this amendment and I hope to help the Constable of St. Helier on this because the line in it which says: "The removal of one Deputy from each district would have virtually no impact on the greater voter equality when compared to our current electoral system" is mathematically untrue. The comments by the Constable of St. Helier just now were about the simplicity of this. He needs to get a calculator out and have a look because this amendment is bad for the Constable's own constituents. I have taken part in lots of electoral reform debates with Deputy Farnham and Deputy Farnham's greatest virtue in those debates is his consistency. But his greatest vice in those debates has also been his consistency in that he has consistently got the numbers wrong every single time, as he does in the appendices to the report for this amendment, where he does the population by district per Deputy and presents that firstly in 2 separate tables. Why are they not in the same table so you can have a more direct comparison? Where are the percentages in them? The percentage of deviation is not difficult to work out and it is the percentage of deviation that marks whether we are compliant with the Venice Convention or not. Those are tables that only refer to the Deputies and not the Constables who provide Parish representation, which provides, when it comes to voter equity, a skewing effect which the distribution of Deputies must be designed to counteract so every voter on the Island has an equal say in the makeup of this Assembly. If you, in a unicameral Chamber, consider each category of Member totally separately you get a skewed Chamber that is not representative of the population. That is why the numbers that are presented in his report are completely flawed and he has taken part in, I am sorry to say, enough debates on electoral reform to know that his presentation of those numbers is completely misleading and leads to being able to get away with making a statement like the removal of one Deputy from each district would have virtually no impact on the greater voter equality, when that is mathematically untrue. It does have an impact on it. P.P.C. in previous years has engaged the work of academics who have produced multiple reports for this Assembly, outlining what different options look like when it comes to voter equity, to show district by district how you get as close as possible to being even, how you distribute the Deputies seats as far as is possible to make sure you get that voter equality. The Deputy's amendment does not seek to do that and seeks to tie the hands of P.P.C. So even if P.P.C. know that there is a better option for that distribution to get greater equality, they are banned from bringing it to this Assembly. That is the fundamental reason, even if you are in support of reintroducing Senators, why this amendment should be rejected so you do not tie P.P.C.'s hands behind their backs and you give them the ability to sit down and crunch the numbers and do that consultation or analysis as appropriate, to make sure that whatever iteration of electoral reform comes back to the Assembly is one that, as far as possible, meets that principle of voter equality. When I was listening to Deputy Farnham's speech yesterday, I took a couple of notes of some of the things that he said so I could reference them when I responded. He said, and I made a note of this: "There have been a number of constitutional decisions made in the past without due consideration or consultation" and I just could not help but think how ironic that is when he is presenting a clear and defined option for electoral reform for Jersey, with himself having done no consideration of the numbers in an adequate sense

and no consultation, not approaching the different groups there are in the Assembly on the basis of political persuasion. There are sometimes very bizarre coalitions that get formed on an issue-by-issue basis in this Assembly, not approached any of us to say: “Does this look okay?” The word he also used occasionally in his speech was the word “compromise”. I ask just who exactly is he asking us to compromise with and compromise on what basis? There are some in the Assembly who think we should have one type of States Member elected in equal-sized constituencies and there are some who think we should have 3 types of States Member elected in unequal constituencies and we are going to compromise by having 3 types of States Member elected in unequal constituencies. Some compromise that sounds like. The system that we have now is one that was built on compromise. It was built by bringing those different groups together who had very, very different ideas of what a perfect electoral system would look like, sat them down and said: “Right, is there some middle ground we can find here?” Amazingly, that previous P.P.C. managed to do that. It managed to get people like me who want one type of Member in equal-sized constituencies to enthusiastically vote for something that was not one type of Member in equal-sized constituencies but it was a step forward. It was something that was substantially better than what we had before. A system which, despite what Deputy Farnham said in his speech, is a system that has been overwhelmingly rejected by the public of Jersey when a referendum was held on that subject. He described his campaign to keep what was then the current system in that referendum has changed, but not this change. Then we see this amendment and it turns out the change was that change all along. There are a great number of inconsistencies, both in the arguments that are being advanced by Deputy Farnham in support of this amendment but, most importantly, and what I seriously hope this Assembly will regard as the clincher here, the real important point, which is that the mathematical analysis that he has done on the impact of voter equality in the appendices to his report is flawed and inaccurate. If we support this amendment we deprive P.P.C. of the opportunity of doing a proper, considered analysis with whatever expert advice they need to do so to ensure that whatever that next stage of electoral reform is, it is done on the basis of voter equality, where everyone on the Island can know that when they go to the polling station, the say that they have in the makeup of this Assembly is equal to anyone else in the Island. His amendment is badly thought out and prevents P.P.C. from doing that. I would urge Members to reject it on that basis.

#### **1.1.8 Connétable K. Shenton-Stone of St. Martin:**

To address Deputy Farnham’s assertion that 9 Senators, one from each district, is perfect, can I please ask whether we were going to be prescriptive and pluck one candidate to be Senator out of a district? How do we ensure that one candidate from each district becomes a Senator? Do we find that one district has been successful in having 3 candidates being voted in as Senators and, if that is the case, do we then tell a Deputy from an eastern district or vice versa, to go and represent constituents in the west because all their candidates are Senators? This might sound elegant but no consideration at all of how this will work has been considered and no consideration, I think, has been given to whether this amendment is equitable, achievable or fair.

#### **1.1.9 Deputy C.F. Labey of Grouville and St. Martin:**

I know we have been here before. We have been here many, many times before and over the course of the past 20 years I have lost count how many times we have been debating the subject, looking at ourselves and our own constitution. However, during the last election it was a real issue on the doorsteps. I have always supported the Island-wide mandate. I myself have brought 2 propositions to this Assembly to try and get it reinstated when the P.P.C. of the day decided among themselves to lop off 4 Senatorial seats. There was no consultation in that and we went forward with the next election with 8 Island-wide mandate seats. During the last election, and in our for ever quest to strive for something, voter equality, to instigate elections where there was voter apathy possibly, or to strive for one election day, my electorate have lost 6 votes. Before the last election we were able to vote for 8 Senators, one Constable and one Deputy. That is 10. After the last election we were able, in

each Parish, to vote for one Constable and 3 Deputies. That is 4. There was a feeling that we had lost out and the number in this Assembly had not reduced any. We have, I feel, lost our way in thinking about what we are trying to achieve here, but we have also lost our way in recognising the different types and what it means to be either a Constable, a Deputy, or have an Island-wide mandate. For example, the Island-wide mandate - historically, the Senators - would be the Ministers or, at the time, Presidents of a committee. From that pool of people, the Chief Minister would look to people with an Island-wide mandate, first and foremost. It was not always the case but they were the ones that made up the majority of the Council of Ministers.

[10:30]

I think that is right if you are elected with 6,000, 8,000, 10,000 votes, you should be making those Island-wide decisions. Whereas the Deputies dealt with their constituents. The Deputies are political as opposed to the Constables who are not. The Constables represent their Parish but how do they represent their Parish? How do they know what their constituents are feeling about given issues? This is where I feel that we have lost something. Certainly Parish Assemblies, unless they are like the ones that we are going to have in our Parish this evening, they are not terribly populated, shall we say. There is not an awful lot of interest for people to give up their seat in front of the television and trot along on a wet November evening to their Parish Hall. Last week's Parish Assembly, for example, we were there 10 minutes. How do we reinvigorate the Parish Assemblies? Well, it is in the Constable's gift to be able to do this, hence the lodging periods of our propositions.

**The Bailiff:**

Deputy, I do hesitate to interrupt you but you appear to be talking about what should happen at Parish Assemblies and I cannot immediately see it relates to whether we should adopt Deputy Farnham's amendment or not. If you are able to link the 2 straight away, then I would be grateful. Otherwise, could we return to the topic, please?

**Deputy C.F. Labey:**

I am trying, Sir, to demonstrate that when we are in this Assembly, we come into the Assembly from different aspects. One is the Island-wide mandate, one is a Deputy and one is Constables, and the Constables, I feel, should be putting more things to their parishioners so that when they come to this Assembly, they can then vote accordingly. For example, this particular proposition. How do the parishioners feel? Some of us will know, if we canvassed, how some of the parishioners feel about this proposition but ...

**The Bailiff:**

I am sorry, I do hesitate to interrupt Members, as Members will know, but I simply cannot make the intellectual journey from what should happen at Parish Assemblies to whether or not there should be 9 Senators and one of the Deputies removed, as Deputy Farnham's amendment is primarily about. If you could make that link, I would be grateful if you would. Otherwise, we do have to adhere directly on the question of whether the amendment improves or does not improve the main proposition.

**Deputy C.F. Labey:**

Okay, I will leave it there then, Sir. I was just trying to demonstrate that we have different roles to play or we come to this Assembly from a different mandate. As I have said, I have always been a supporter of the Island-wide mandate. I am sorry, Deputy Farnham proposition does to me seem a bit rough and ready and I would have far preferred to vote for Deputy Scott's where more time and consideration could be given. For example, why 9? Why not 12 and go back to the 6 and 6 to provide some continuity. So I would like this really to be explored more by P.P.C. I support, as I have said, the Island-wide mandate but I would like a little more work. I would like you, Sir, to explain if we are voting ... do we need to vote on Deputy Farnham's now it has been accepted. I am not entirely sure how it will work.



**The Bailiff:**

Allow me to assist you. No, had it been accepted at the beginning of the debate then it would have been read as amended. If it had been read as amended, then that would have been the entire parameters of the debate. Unfortunately, or fortunately, as the case may be, it was not accepted therefore it is a separate amendment. So there will be a vote on Deputy Farnham's amendment and then the main debate will continue either on the proposition as amended or as not depending upon the vote on the amendment.

**Deputy C.F. Labey:**

Okay. Thank you.

**1.1.10 Deputy I. Gardiner of St. Helier North:**

I put my light on halfway through Deputy Labey's speech and when the speech was over it was something that I agreed. So one thing that I agreed, if we have 12 Ministers, and we are thinking about Senators, we might need to have 12 Senators. It might make more sense. Personally, I do not believe we need to have Senators but, first of all, 9 is a very strange number. Does it work for anything that we have in place as a framework? No. People raised that the people who are elected as a Senator is expected to play roles. If we are looking at the last Senatorial elections, the top poller, Senator Moore, was she around the Council of Ministers' table? Did she make any decision around the Council of Ministers' table? No. Senator Vallois, she was the second top, she was not there. So what is ... Yes, she was, sorry, Tracey, apologies. Senator Vallois was the top and Senator Moore was the second. I am a bit emotional because I feel that when we are talking about the top Senatorial pollers Island-wide did not manage to get to influence the Government. It is getting me to the third point. What is the real difference, apart from the name and the way that people were elected? None. Because in day-to-day work we are all doing the same work in the Assembly. So I urge, first of all, vote against the amendment because 9 does not make sense and if somebody is concerned about the Senators, it is for the amended debate.

**1.1.11 Connétable D. Johnson of St. Mary:**

I am afraid to say I rather fear we are going down the same line as we have in many previous debates. Getting into detail, which is not the subject of this amendment. Like the Deputy of St. Martin and Grouville, I follow her standpoint. I am in favour of retention of Senators. I understand that what Deputy Farnham has suggested is one "solution", but it is but one. I think if we are going to go down this route and revisit it, we should give P.P.C. the freedom of choice to come up with other ideas, voting on different days or whatever but we should not be prescriptive and tie ourselves to the one proposition made by Deputy Farnham, however meritorious it might be. If I am allowed to stray for a moment, a request has been made by the relevant Constables, and it may be of interest to the Members as a whole, the Law Commission had produced a paper on future running of Assemblies. The Comité des Connétables is due to receive presentations sometime and hopefully that might well be the germ of further ideas.

**1.1.12 Deputy R.J. Ward of St. Helier Central:**

Talking about the amendment. It has been mentioned that amendments need to improve the original proposition and I must touch on the fact that I think the original proposition does have a large amount of confusion involved with that, but we will talk about that later. This amendment purports to improve that. It does not, it ties the hands. I think this is really important. We have in the last few days looked at pieces of legislation that have gone through so much consultation and so complex, and said: "We want to come back with more information because it is not detailed enough." But at the same time today we are looking at an amendment that ties the hands of P.P.C., the body that we have set up to decide the way in which we function across the Assembly. This amendment ties it. It comes up with a number of 9 or 8, not entirely sure, not entirely sure what they would do. The data

is flawed. Let us think about this. Think about this and any other proposition that came to this Assembly, if these were the points that came with it. It ties the hands of a group in telling them what to do that we have employed to make those decisions. It comes with flawed data. It also assumes, but does not define a difference in the role of a Senator. Now, when we walk through this door into this Chamber, we have one unique beauty to our democracy and that is that everyone's vote is equal and that anyone can bring something to this Assembly, regardless of where you were elected or whether you are a Constable or a Deputy. We have to be very careful that we do not damage that by giving a hierarchy, if you like, in this Assembly of opportunity to represent. Now, at the moment, what we have is a much more equal representation in numbers for members of our community. That, without Senators, has meant that we have a more productive, I think, approach to what we are doing. But we are in the early stages and we will talk about that later. To impose 9 Senators now without a definition of what they do, how they will fit into the structure that we have, how will I fit into the governance of this Island ... and I implore people to think about governance, because some of the arguments that have been made so far have not thought about the equity of governance and what that means. This notion that this is the biggest issue on the doorstep. When we knocked on doors, the big issues on the doorstep were not simply Senators, they were about all the other things that we as a body have to vote on and decide upon. This is the problem I have with this amendment, defining how many Senators before we even start without any definition of what they do. Senators are not the only ones who are looking at Island-wide issues. By saying with this amendment, we will therefore have 8 and in some way - I cannot picture in my mind how this is going to work - they will be the ones who look at the Island-wide issues. Everything I do is effectively Island-wide. Yesterday I asked a question that came directly from a constituent in my drop in - and I will talk about this in a moment - which was an Island-wide issue of violence against women and girls. Direct representation, democratic representation on an equal-sized vote in terms of the equal size of the individuals who vote in this Assembly, it is worth the same, which was brought back direct in this Assembly. By introducing ...

**The Bailiff:**

I am sorry, Deputy Scott, you have put your light on?

**Deputy R.J. Ward:**

Could I answer the clarification at the end?

**The Bailiff:**

Well, it depends if it is a point of order. Did you have a point of order?

**Deputy M.R. Scott:**

A point of order, Sir. Just to ask if perhaps the Deputy is straying off the topic of the advantage of the amendment.

**The Bailiff**

Well, I did not detect that he was, Deputy. Please carry on, Deputy Ward.

**Deputy R.J. Ward:**

Sorry, I was using the convention of letting you decide on that. It does throw you when that happens.

**The Bailiff:**

It does.

**Deputy R.J. Ward:**

If I may just ask for a moment to think about where I was because it has gone.

**The Bailiff:**

In the meanwhile, I will say that a point of order requires a ruling from the Chair. Generally, the Chair will have to make a decision as to whether or not things are on point and a fair amount of leeway must be given. That is the leeway that I have been giving up to now. It is not for Members to police, unless in extreme circumstances, whether the debate is relevant. Just to assist Members who may not know Standing Orders, in Standing Order 104(1): "A speech by a Member of the States must be relevant to the business being discussed" and that is the Standing Order that should be applied. Now, I hope you had enough time to regroup, Deputy Ward.

**Deputy R.J. Ward:**

The other issue I may raise is standing up and down all the time is not good for my knees. I may be so bold to say it may be true for some other Members in this Assembly but I do not know. I was not looking at you, Minister. I think one of the issues we have is ... the biggest issue I am going to have to repeat, and I apologise if I do, but I really had lost my track. We cannot agree pieces of significant change to the way that we run our democracy with data that is flawed, without allowing the body that we have set up to look at this in detail, to look at it in detail and on hearsay - that is the wrong word - on anecdote because that is what we have had in this debate. I just urge Members to reject this amendment. If you want to vote for the main one let us have a proper debate on that and let us think carefully about the implications of what we are saying there. It is difficult not to stray into that but we will do that at the time. I will end there and just urge Members to think carefully about what you are doing here and the possible implications of this amendment, because it is not what some people have said in this Assembly.

[10:45]

**1.1.13 Deputy H. Jeune of St. John, St. Lawrence and Trinity:**

I have had, I think, the pleasure, with the fact that I newly arrived in Jersey only a few years ago, that I have never had to vote in any other elections than the one that I was a Deputy in. I have not had past experience in either feeling that I have lost votes, in understanding that what a Senator is for, what is the difference, et cetera, so I am coming at this, I hope, with completely fresh eyes. Specifically to this amendment, I am not quite sure in understanding why 9 Senators because we are talking about creating a hierarchy so a Senator feels that they are higher within the democratic Chamber because they have an Island-wide vote - there are 9 - and as I am hearing from other Members, there is an expectation of some or all of those Senators to become part of the Council of Ministers but there are at least 12 Ministers. So how does that work when the Council of Ministers ... it is very difficult, and we know that from late, to have cohesion and compromise at the Council of Ministers' table when you are creating hierarchy as well within this kind of voting pattern that we are discussing when you have 9 Senators who may or may not go into sitting around the table. Therefore, you will then have others who sit around the table who are in a different, hierarchical category. That is how I am feeling in this debate. It feels that because a Senator has an Island-wide mandate, they somehow have more legitimacy than like a Deputy or a Connétable. How does that work and how will that play out at the Council of Ministers' table, when it is already difficult enough as it is?

**The Bailiff:**

Does any other Member wish to speak on the amendment? If no other Member wishes to speak then I close the debate and call upon Deputy Farnham to respond.

**1.1.14 Deputy L.J. Farnham:**

First of all, can I thank all Members who have spoken? I know we have broadly and widely differing views on this but I think the disparate sort of nature of some of the comments, some of the views, just demonstrates exactly how hard it is for us to agree on this. I just want to correct a couple of

things. Yes, I am a member of the P.P.C. and when I alluded to the P.P.C. in my speech I said: “The main proposition brought by Deputy Scott, while bringing greater flexibility, would, if approved, require significant work to be taken by the Privileges and Procedures Committee, which will be challenging to complete in the absence of any consensus among Members.” I was talking about Members of this Assembly because it is the Members of this Assembly that will decide ultimately what happens. So I am sorry if that was not clear. This Assembly, I think, is divided. The P.P.C., I think, is divided. The previous P.P.C. was divided. I think just about every committee or subcommittee or panel that has tried to solve this problem has always been divided. So I do apologise if that was not clear. I bought this amendment because a number of Members, when discussing the issue, had said to me that they would prefer to be voting on something with detail than voting on a broad principle, which is going to require a significant amount of additional work. I am not saying we will not achieve that but it will be challenging to do that work in the time allotted, but I am sure we will get to something. Just hearing the comments in this debate, I think, will lead Members to understand just how challenging it will be to come up with something broadly different. There is no solution. A number of Members have said: “Let us not vote for this. The main amendment is a better solution because it allows greater flexibility” and I alluded to that in my speech. I would be happy if we lost this amendment to support the main proposition. But I suspect some Members are bowling us a bit of a googly here by saying: “Let us avoid this, it is too much, it is too deep, it is too detailed and we are tying the hands of the P.P.C.” They have no intention of voting for the main proposition. A number of Members spoke and, whichever way we look at it, less people are voting right now and less people are in engaging. People are becoming disinterested. I have never known anything like it. If Members and the public thought the last States were bad, I think I am finding even my family do not want to talk about politics to me anymore because they have had enough. **[Laughter]** Not of me, but of politics in general. So we are losing it. Now I cannot remember a time when politicians were ever popular. I remember my parents being critical, my grandparents being critical, but also always being proud of our unique system of governmental independence. I am going to just address quickly a few points that some Members made and I will talk about some figures as well. Deputy Tadier, while I understand what he was saying because I do have a spreadsheet with all of the figures on it, perhaps I should have put that into the report. The Constable of St. John does not represent the parishioners of St. Lawrence and so it is not correct that Deputy Luce addressed that. While I remember, I meant to say this at the beginning, in relation to Senators, we refer to Senators because the Constable of St. John said we did not want to go back. But it is not going back. I wonder if the title of Senator just evokes some memories, as Deputy Jeune referred to, of days gone by where some Members were superior to others. I mean, what is in a title? We could all be Deputies. We could have district Deputies, we could Island-wide Deputies. I think it is obviously worrying some that they feel that the title of Senator reflects some sort of superiority. Of course it does not whatsoever. A number of Members spoke about the strength of feeling on the doorstep at the last election. We cannot avoid that. Deputy Alves, who has done a huge amount of work trying to find consensus - and I enjoy working with Deputies, I do with all of my colleagues generally speaking - spoke about Members voting weight and power. I still maintain that when we are talking about Members’ voting weight we still do not have it right. We are a long way with what we have here and as long as we have Constables in the Assembly, there is always going to be that issue. I am a supporter, I think we need to retain the Constables because, as I said previously, we have 3 types of Member in this Assembly for a reason, to provide balance. Constables representing the Parish and the local government aspect of the work we do here and then, of course, the constituencies which are a bit more focused on constituency interests, and the Island-wide mandate who can operate without fear or favour, without being pressured from constituency or Parish interest. That is what it is about. There is no other reason for it. It is about providing balance in this Assembly but some Members are just trying to deflect from that. Deputy Mézec and a number of other Members spoke about figures. Well, I did put some figures in - it is a problem when you have so many papers - in the report. Those figures were based on the census population figures. They are correct. They are similar figures that

Deputy Gorst used previously. They probably will not be correct by the time we get to next elections in 2026 because population has fallen, as we understand, but they were correct. For Members such as Deputy Renouf to say they were not correct, I have to object to it. The figures are quite clear. I tried to keep them as simple as possible because if you get too tied up in statistics you will disappear and not come out for some time. We can do statistics until the cows come home but we will never agree. In relation to the Venice Convention, and I believe we are a special case because the Venice Convention specifically refers in parts to different types of jurisdictions. Jurisdictions with different logistical challenges either in very large geographical areas or very small geographical areas. The figures we are talking about, which are in tables in my report, set out the population differences. If you want to put that into a percentage figure for Deputies in the current format, the variance goes from minus 13 per cent to plus 10 per cent. In the amended one, it goes to minus 14 per cent to plus 25 per cent, but in terms of actual numbers that is very small. I also have some more figures here that Members might find interesting because it relates to the comment, I suppose, about the power and weight of voters. Some Members have talked about the importance of voter equity. I remember many Members supported the position we are in now with the process saying that, you know, it will be great to have the Assembly elected where we all have similar weight. We have all been elected with roughly the same amount of votes or similar amounts of votes. But I am not sure if Members realise that the number of votes in this Assembly for Members ranges from 400 to 3,100. In relation to the Deputies, we have had a Deputy elected with 616 votes and a Deputy elected with 2,730 votes. Now, those are far greater variances in the numbers than I am being criticised for in the percentages and the population figures that were in my table, which were accurate. We can spend too much time talking about them but all I am trying to say is that those figures, I do not think, are overly affected by this amendment. They are, I think, trumped by the fact that every single voter will get far better representation because while a Parish in the district will give up one vote, we get 8 new votes. In relation to St. Helier, all voters in St. Helier will be better off by 8 representatives. They will be better off by 8 representatives. Deputy Labey, a Deputy Grouville ... sorry, I cannot say that now, but Deputy Labey of district whatever it is ...

**The Bailiff:**

The convention is we now refer to all Deputies by their surname.

**Deputy L.J. Farnham:**

Deputy Carolyn Labey brought up that particular point. I think it is a valid point. In relation to St. Helier ... and I have served 3 terms prior to this as a Senator and I have served as a Deputy in the old system and as a Deputy in this system, and the roles are similar but they are different.

[11:00]

I find they are different in a positive way because as a Senator I was able to work, without fear or favour or being influenced by Parish or constituency pressures or interests. That is impossible. No Member in this Assembly can work without ... I think we are duty bound to represent our Parishes and districts. Now I know in practice, we all deal in our different roles of Scrutiny or Ministerial roles with Island-wide issues, but I have experienced that myself - and from a number of other Members - that there is a huge increase in Parish and district interests that encroach upon some of our work. We miss the Island-wide mandate. We miss that ability, providing that balance to work across and over Parish or constituency interests to work in the best interests of the Island, because not everything that is in the best interest of a Parish or a district is in the best interests of the Island, and not everything that might be in the best interests of the Island is in the interests of a particular Parish or particular district. Deputies in St. Saviour and St. Helier and other ... and St. Clement especially will know that when it comes to available land for housing, as just one example. I wanted to reiterate the reason for this amendment again is to avoid entering a lengthy period of trying to - with a blank sheet of paper, with the principle of retaining the Island-wide mandate - find a consensus

figure, a consensus outcome in this Assembly because I think it is going to be extremely difficult. If this amendment was approved, then there is always scope to discuss and perhaps amend any legislation that might come forward. I mean, this is a guide: the Privileges and Procedures Committee will put together the relative legislation and we all know that can be amended if people want to try to improve or change the detail of it. The Council of Ministers has always been made up of all types of States Members. As long as I can remember, there has been Connétables and Deputies and Senators. Again, I think on that body that is important because you have a good mix and a good balance. It is not saying that one particular Member is superior or inferior to the other; it is just simply not true. I do not know why some Members cannot see or will not see why we need that balance in this small Assembly, given the nature and the structure of the way we govern ourselves, the way we manage our Island. As a Senator ... and I know there is St. Helier. Of course the Member of this Assembly with the most votes is the Constable of St. Helier, with 3,130 votes. Now, if we were to come to the conclusion that Senators must be the Chief Minister because they have got the highest number of votes, then the Constable of St. Helier should be the Chief Minister. He has got the most votes; he is one step closer already. **[Laughter]** The Chief Minister is not looking too concerned, as you can see, so we must put that to one side. I was trying to string things out because I know 2 potential voters are not in the Assembly at the moment, but I am going to conclude. As I said, the response demonstrates just how difficult it is ... thank you.

**The Bailiff:**

Carry on, please.

**Deputy L.J. Farnham:**

The responses and the speeches made by Members today, I respect all of them, I respect the views, the deeply-held views, of every single Member in this Assembly. Just because we disagree, it does not mean we cannot disagree agreeably. We have to, I think, be understanding of our views. We are all trying to do what is best for the Island. This, as some Members contend, is not about a step backwards, this is about moving forward. It is about the future; it is not about the past. It is about improving our democracy, improving the accountability for Islanders, because the office of Senator or Island-wide Deputy, the Island-wide mandate is more accountable, it is more inclusive. It improves voter influence and voter representation. The Island-wide mandate unites Islanders at election time. I have lost count of how many voters said to me: “The people I want to vote for are not in my district.” It is a bit worrying they said that to me **[Laughter]** but that is what they said. I still scraped in; I still scraped in. They miss having that Island-wide unity, the ability to discuss that; that was missed. This is going forwards because it is combining the best of what we had with the best of what we have now. We have our Parish Constables, we have the districts, and although the variants in percentages might be out a little bit, they are based on the work, the previous good work, of people like Deputy Alves. That has been done. We do not need to redo that work, it is done, so we would have 9 Senators, 9 districts, which we have never had before, and the 12 Parish Constables. I think that is a step forward; it is not a step back. I thank Members for their indulgence with the debate on the amendment and I ask for the appel.

**The Bailiff:**

The appel is called for. I invite Members to return to their seats. The vote is on Deputy Farnham’s amendment to Deputy Scott’s main proposition and I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their vote, then I ask the Greffier to close the voting. The amendment has been defeated: 15 votes pour, 30 votes contre and no abstentions.

<b>POUR: 15</b>		<b>CONTRE: 30</b>		<b>ABSTAIN: 0</b>
Connétable of St. Helier		Connétable of St. Brelade		
Connétable of Trinity		Connétable of St. Martin		

Connétable of St. Peter		Connétable of St. John		
Connétable of St. Clement		Connétable of St. Mary		
Connétable of St. Ouen		Deputy G..P. Southern		
Deputy C.F. Labey		Deputy M. Tadier		
Deputy S.G. Luce		Deputy L.M.C. Doublet		
Deputy K.F. Morel		Deputy M.R. Le Hegarat		
Deputy I.J. Gorst		Deputy S.M. Ahier		
Deputy L.J Farnham		Deputy R.J. Ward		
Deputy H.M. Miles		Deputy C.S. Alves		
Deputy M.R. Scott		Deputy I. Gardiner		
Deputy M.E. Millar		Deputy K.L. Moore		
Deputy M.R. Ferey		Deputy S.Y. Mézec		
Deputy B. Ward		Deputy P.M. Bailhache		
		Deputy T.A. Coles		
		Deputy B.B.S.V.M. Porée		
		Deputy D.J. Warr		
		Deputy J. Renouf		
		Deputy C.D. Curtis		
		Deputy L.V. Feltham		
		Deputy R.E. Binet		
		Deputy H.L. Jeune		
		Deputy A. Howell		
		Deputy T.J.A. Binet		
		Deputy R.S. Kovacs		
		Deputy A.F. Curtis		
		Deputy K.M. Wilson		
		Deputy L.K.F Stephenson		
		Deputy M.B. Andrews		

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

Those Members voting pour - it is not in the right order - so Deputies Farnham, Ferey, Gorst, Labey, Luce, Miles, Millar, Morel, Scott, the Connétable of St. Clement, St. Helier, St. Ouen, St. Peter, Trinity and Deputy Barbara Ward.

## **1.2 Reform of the Composition of the States Assembly (P.76/2023) - resumption**

### **The Bailiff:**

We now continue with the main debate or the debate on the main proposition. Does any Member wish to speak?

#### **1.2.1 Deputy S.Y. Mézec:**

It is always scary when people are holding back like that and I do not want there to be left any impression that this is something to just nod through after having had the main debate on the amendment, because it is not the case. I think I will start by speaking frankly, which is that I think the particular case that has been made for this proposition, as opposed to any other iteration of a proposition on Island-wide voting that has come before, has most certainly been the least coherent

and logical that I have ever heard. The proposer referred multiple times in her opening speech for this to inclusivity and about how this was promoting inclusivity. That is demonstrably a complete load of nonsense, because it was when we got rid of Senators that we delivered the most diverse and inclusive Assembly that we have ever had and why? Because we had more competitive elections for Deputies, we had the vote for Constables and we had equal coverage across the Island and people knew that their vote was worth something and they knew that it was worth giving it a go and standing for election because we got rid of the rotten boroughs, where taking a chance and trying to stand in a one-seat constituency with a strong incumbent was just not worth it. In a multi-seat constituency, spread across the Island with as greater voter equity as we can manage, it was worth doing so. She referred to closing the door and she referred to immigrants and finance workers because of course the Senatorial benches were beacons of representation for immigrants and finance workers before. I am going to make this point, that the first-ever woman to be elected to this Assembly was in a multi-seat district in St. Helier, St. Helier No. 2. The first Portuguese person to ever get elected to this Assembly was in a multi-seat essentially super-district, St. Helier No. 2, the first Romanian person to get elected in the combined St. Saviour constituency, the first black person to ever get elected in St. Helier South constituency. It is the system we adopted for the last election that has given us the most diverse representative and inclusive Assembly that we have ever had. If you think that dividing this Assembly further between different categories of Member is going to improve on that, you are dreaming. It will not do that because what it does for election candidates is it makes us make all sorts of unpleasant considerations about where we stand, how we stand, how we campaign. When you have an equal system across the board, it is much simpler and, as demonstrated at the last election, you attract a wider variety of candidates so the public, when they go to their polling station and cast their ballot, are taking part in a meaningful election. Another argument was about resource management. When we walk through those doors to the floor of this Chamber, we are all equal. We become Members of the States of Jersey. We have the same pay, the same responsibilities, the same ability to hold any office and we debate items that affect the whole Island. There is no need to divide us based on that one moment in history, that one moment of the election results being called, to then enforce division upon us for the 4 years after that, have an us and them. I know that because I have been part of it. I sat on those benches when they were allocated to the Senatorial benches. I was physically separated from my party colleagues, with whom I shared a manifesto, so this idea about balance is complete nonsense. I served as a Senator, sharing the same political persuasions as people who were Deputies. It is your politics that determines where you sway, and that is obvious because we look at the Constables' benches, they are not united on every issue and on different political issues, whether they are anything or nothing to do with the Parishes, they find themselves divided frequently. We find that in our constituencies as well. We do not always agree, even if we have the same constituency. It is your politics that determines that. The point of an electoral system based on equality and equity is that the result you get is meant to be more representative of the population as a whole, so for your 4-year term you do that job in line with what the public wants. It is clear from past experience that the addition of Senators adds nothing to that. Just after the last election, when this Assembly convened to elect the Chief Minister, the Senators were split 4 and 4 over those candidates, but in actual fact when you went as a voter to vote in the election, it was your vote for Deputy that had a much greater impact on who ended up becoming Chief Minister because it was the Deputies that held the balance in that election, so the Senatorial election had very little impact on determining who ended up in that. I hear the person who did not succeed in that system saying: "What a good idea" so I am pleased to see I have obviously swayed him on this from his previous position. Deputy Farnham and others have spoken about voter choice. Deputy Labey I think referred to this as well, saying: "Okay, you lose a Deputy vote, but you gain all these Senatorial votes." Let us talk about the maths here because the maths does not lie here, it is objective. Your voter influence and power has nothing to do with the number of votes you have, it is to do with the constituency size. Maybe I will regret what I am about to do, but I am going to try to give an example to demonstrate this. If you live in a constituency that has only 100 people living in it and you have one vote, next



door to you you have a constituency with 1,000 people living in it but they have 5 votes, whose votes are more powerful in that situation?

[11:15]

It is the people with the one vote because their one vote is worth 1 per cent of the total result. In the constituency of 1,000 people, even though you have 5 votes, it is still worth 0.5 per cent of the total vote because everybody else gets more votes as well. That is how you determine the power of your vote. It is not the number of votes you have, it is the size of your constituency. So when you turn up to a polling station to vote for Senator, your vote when you cast it is worth substantially less than the votes you are casting for Deputy because you are in a smaller constituency and your vote is more likely to be the casting vote. It is a greater percentage of the final vote than Senators. I want to look at the Order Paper for this States sitting. Let us look at what we have got, excluding of course the current proposition. We have just had a very lively debate on the rented dwellings regulations. After this, we have got the Draft Financial Services Regulations; Draft Limited Partnership Regulations; Draft Children's (Convention Rights) (Commencement) Act - one I am particularly looking forward to - building in conservation areas regulations; Christmas Bonus; Minimum Residential Space Standards, and that I believe it is. Can I ask any Member if they truly think that this Assembly would be better equipped to come to the right decisions on those items if we reserved a few seats in this Assembly for people who had been elected on an Island-wide basis? Would it genuinely improve our decision-making on those propositions, really? Of course it would not. It would just mean that sat in this Assembly were people who we referred to with different titles. That is the only difference that would be. We would say Senator So-and-So instead of Deputy So-and-So. It would have no impact at all. The matters that we are considering in this States sitting are matters that are of Island-wide importance, they are not for any particular district or any particular Parish, so what does it matter what bias or what balance you are trying to strike by having a proportion of the membership of this Assembly given a different title? It simply has no impact. But the aspects that I want to confine the last portion of my speech to is this issue of public opinion, where we have had multiple comments made based on what they heard on the doorstep, which are nothing more than anecdotes. They are not real evidence or real polling for how the public of Jersey feel on this subject. Despite comments in the previous debate from some about the lack of consultation with the public on this, in fact in 2013 we had the greatest exercise of public consultation that there has ever been on this subject, first with the work of the Electoral Commission - 2 of its members are Deputies in this Assembly - and then we had a referendum. A referendum is of course the greatest act of consultation you can have because you ask people who are interested in the subject to come out and cast a vote and take part in it and we - at least in theory - tell them that the conclusion they arrive to will be counted for something. When we did that, 80 per cent of those who came to vote voted for options which did not include Senators in it. The winning option was basically the system that we have got now that we adopted in time for the last election and many of those who did not vote in that referendum for this option - like myself, I did not vote for the winning option in that referendum, I voted for option A - have reconciled ourselves to this system on the basis of compromise and taking Jersey forward and saying: "Okay, I do not get everything I want, but for the interests of the Island and the interests of democracy, what can I compromise on to at least take us forward?" which is what I did and what many of us who do not ideally ... who would not pick this system if we had a blank canvas did as well. By reintroducing Senators, we are not going forward, we are going backwards and we are going backwards to a system that was given to us by the British Home Office in 1947, not one that was organically created by the people of Jersey through our own processes and adopted in a democratic referendum. But if we want to go by some anecdote at least, we can look at the response that we could observe when this proposition was laid. I witnessed, at least on social media, about 99 per cent of the commentary that came forward on this being extremely negative. I am going to give some of those people a voice, I am going to read out some of what those people said. For those Members who heard people speaking positively about the reintroduction of Senators on the

doorstep, despite that a referendum had taken place proving that in all 12 Parishes a substantial majority came forward for the abolition of Senators, this is what people have said about this debate and this proposition: “Waste of taxpayers’ money.” “They had that debate before and lost, so they should get on with more pressing issues.” “Why can’t they debate something useful and of benefit to the Island and Islanders instead of wasting more money and time on vanity projects?” “If you don’t like being called a Deputy, get out of the States Chamber. It is a title for your office and I can think of a few titles for you lot but they wouldn’t print them in a family newspaper.” **[Laughter]** Another said: “We’ve only just got rid of them. Why would we want them back?” “Timewasting. This has been voted on and should not return again until after the next election. Much more important debates to be had in the next 3 years.” This next one is not parliamentary, so I will not read that one. “It is all about status, so stop timewasting. This is not the Roman Senate.” I mean, that is true: “If they are not wasting time by debating Senators again, then they’re debating their own poor behaviour.” “What for? They could not make good decisions. It’s just role-playing.” “It’s a shame that one politician is bringing this back to the States for a vote again. I’m sure there’s more important things we could get on with in the Parishes rather than bring this back to the States. They should just get on with the day-to-day running and do their jobs, not go back to the past.” “Pathetic. Going backwards. What is wrong with our politicians? Why don’t they stop timewasting and do something people actually care about, like getting a hospital sorted?” “Some politicians have nothing better to do than wasting taxpayers’ money once again.” “No, please. Get on with building houses and a hospital, please.” You are spotting some themes here, Members: “What a waste of time. So there’s no more pressing business?” Do you know, at this point I am really repeating myself, but this is the bulk of opinion that came forward when this was announced, that this Assembly would be debating this proposition. I ask Members, as we rightfully did last time, to reject this proposition, first on the basis that the arguments made in its support are so manifestly flawed and can be evidenced to be wrong, but because it will not improve the nature of how this Assembly works, whatever your politics are, and because despite what some people may have heard from some people on the doorstep, the tangible evidence, that of that referendum, shows that there is better public support out there for a more rational, simple and fair electoral system, like that one, that 2013 referendum, which is essentially the system that we have now. The option that came last, with 20 per cent of the overall vote, is the one that this proposition asks us to go back to. I ask Members to reject it.

### **1.2.2 Deputy M. Tadier:**

I will carry on the speech. We were joking outside about if we had rules in Standing Orders to deal with “just a minute” and we did have the bell there. I am going to continue in a slightly different vein. I think Deputy Mézec has made a good opening speech. It is important to say it is Deputy Mézec, who used to be Senator Mézec, and who knows what he might be in the future? I think he could be anything he wants to be, but a very serious point there, of course. There have been Senators in this Assembly who are now Deputies. I do not see them being any less value than they were before. They are sitting here in front of me, they are sitting here to my left - my physical left - and I do not think there is any difference to what they might have been if they were Senators. The idea that they would somehow care less for the Island now that they are Deputies and that they would be unduly swayed by the constituencies, the smaller constituencies that they represent just because they are Deputies, and I think the same argument has to go for Constables. When we are in this Assembly ... and I think some of the things we have heard in the previous debate were, quite frankly, bordering on being offensive to us as individuals and to the integrity, I think, of Members more generally. It is that you cannot have it both ways. On the one hand we seem to want to say: “You are better off to have Senators in the mix because they are not bound by a constituency” but at the same time their whole constituency is the Island and therefore they have a better mandate and that they are more in tune maybe with the public opinion. There are lots of reasons why that does not follow. I would like to think that especially when Members end up in Government, it is irrelevant whether they are a Senator or a Deputy or a Constable because they look out for the whole Island. I think that we all do

that in whichever role that we play. I will not rise to any bait that has been set in the previous debate either about the workload that Members engage in. I would simply say that Members work differently in this Assembly and I think we all have workloads. I was told when I was very young: "Do not point the finger, because when you point the finger you have 3 pointing back at you." So I would suggest that if one of the motivations for lodging this kind of proposition is because you have trouble getting Members to serve on Scrutiny and you think that somehow bringing Senators back will mean that it is easier for you fill your Scrutiny Panel, there may be other reasons that you are struggling to fill a particular Scrutiny Panel. I will leave it at that. Now, looking at this actual debate that we are left with, the actual mechanics of the proposition, I think we are left with a complete dog's dinner and it would have been much better if we had have accepted the amendment, because the amendment at least told us what we would have had. We would have had 9 Senators; there would have been certainty. At the moment we have got a complete wide-ranging option here and I cannot see - and I will temper this with another side of the debate, so this is the against and the for - what on earth are P.P.C. supposed to do with this amendment now because it gives them such wide-ranging latitude? I think it is important for us to say either whether we support this ... but if you do support bringing back Senators, what kind of structure should we bring back Senators in? Because we are simply told that there cannot be any increase to 49 Members, so that is fine, so there has to be 12 Constables in the States and there needs to be at least one Deputy for each constituency. That gives a vast amount of options about how many Senators we could have. Let us try and do the maths. If you have to have 12 Constables, that leaves 37, and if you have to have one Deputy for each district, that leaves 9, so 27 minus 9 is 18, right? Am I doing the maths correctly? Twenty-seven minus 9 has got to be 18, so we could have anything from one Senator to 19 ... 18. Let us get the figures right, 19. So, you see, I am even confusing myself here and this is before it gets to a committee of 6 or 7 people, all of whom have different views as to whether or not we should be bringing back Senators in the first place. I think it would be interesting to have an election for potentially 18 Senators or there or thereabouts because I have been involved in the past in an election for 6 Senators when I first stood for election. It was on a different day, so you could stand for Senator and Deputy, so the first thing that the committee need to consider is do you have different electoral days for Senators and Deputies? That reopens an entirely new debate because the arguments that were put forward in the past for bringing the elections to a single day were not simply to try to encourage voter turnout and get rid of electoral fatigue and election fatigue, but it was also the very fundamental principle that you should be able to change your Government and change your Parliament at each election. If you have a system where the elections are on a different day or indeed, as somebody might suggest, why do we not have overlapping elections so that you have Senators who stand for a 6-year term and that they are elected every 4 years, or they stand for an 8-year term and they are elected at staggered intervals of 4 years, so you have what we had in the old days? Essentially we are going backward, but it then does beg the question: what is the point of having Senators if you do not have a Senate, okay? So because I have got a lot of free time on my hands and I am not on a Scrutiny Panel - I say that slightly tongue in cheek, because I am on a Scrutiny Panel, it just happens to be a subpanel - and as an experienced Member who has served in both Scrutiny and for a short while in Government, I do like to try and use my expertise where I think they are best served, so I happily join subpanels.

[11:30]

So I would happily join the P.P.C. subpanel if there is one set up to look at bringing this forward and I would suggest ...

**The Bailiff:**

We are not quorate. Usher, would you please go and tell Members we are not quorate and require them to come back in?

**Deputy M. Tadier:**

Can we stop the clock as well?

**The Bailiff:**

Sorry? Are you sure you want to stop the clock, Deputy?

**Deputy M. Tadier:**

I would like to reset the clock. [Laughter]

**The Bailiff:**

I will give it a moment or 2 and then we will have the roll call. We are now quorate I think, and also we are not entirely certain whether the person who is participating remotely is present or not because we are not in communication with them directly. We are certainly quorate now if you would like to continue, Deputy Tadier.

**Deputy M. Tadier:**

I think if we did bring back Senators we should have a rule that they are not allowed to leave the Chamber. I will not bring that up because I do pop out when I need to as well. I will be making sure that if this goes through today that P.P.C. look at the full range of options, and one of them needs to include having a second Chamber. I do not say that lightly; I have given it quite a lot of thought. If you are going to have different mandate for elected Members - and it is not my words, this is being said I think by Dr. Renwick for the Electoral Commission but it may have been another commentator - if you are going to have different mandates, i.e. Senators, then they should have a different function. It does not make any sense in a unicameral system to have lots of different types of membership who are all doing the same role. They should have a different function. I think that if Jersey does want to go down the Senatorial route in bringing them back they should have a different function and it should be to sit in a second Chamber, which does not have to be a different physical Chamber, it could be in this very Chamber which is sometimes I understand used by the courts even. Who would have thought it. So Senators could easily sit here on a second or third week when we are not sitting and they could automatically or by option of having the matters referred to them, do the Second Readings. I think that is fundamentally important because most Parliaments around the world and in the Commonwealth have a separate process for Second Reading which is not done in the main Assembly. It is largely because you should not be marking your own homework, so you send it off to a second Chamber where a different set of eyes from people who have a different mandate, which would be an Island-wide mandate. That would make perfect sense. Then you could have 6 or 9 or 12 Senators; 12 is quite a nice number. It has got historic roots; there were 12 Jurats in the past, there are 12 Parishes, there are 12 Constables. So we could have 12 Senators elected for however long to sit in the Senate, if we want to call it that, or le Sénat as it should be called in French. They could look at matters in the Second Reading, important bits of legislation, they could come back with those readings and that would certainly lighten the load that Scrutiny has to do, that legislative scrutiny that I know Deputy Bailhache has talked about in the past which he - I think I am quoting him correctly - says that the Assembly does not really pay enough attention to legislative scrutiny and to that fine line-by-line reading that we could or arguably should be doing. So by all means, bring back Senators, but give them a specific purpose. I am going to leave my comments at that. I am going to say by all means, let us know what we are looking at here. There are certainly arguments about bringing back Senators but if we do that let us not make the same mistake that we made in the past. I will leave Members with this thought, is that I fully understand the emotional attachment that there is to the role of Constable. The role of Constable is an ancient medieval as well as a modern role which goes back to a point when they were, if you like, the sole representatives in this Assembly of the people. The rest of them were effectively appointed by the Crown and they appeared in the Assembly by, I would say, pretty arcane and undemocratic means. So it is natural that there has historically been

that affinity which is of course also linked to the Parish Assembly and that idea that the Parishes get together, speak to their Constable and are then represented in what used to be a very feudal Assembly which was linked directly to the Royal Court before, as we know, 1771. But the Senators are a much newer model and they were imposed on Jersey effectively by the U.K. (United Kingdom). So what happened after the war is that in 1948 there was effectively a Royal Commission, it may not have been called that but that is effectively what happened, and they said: “You cannot go on having Jurats anymore, you cannot go on having Rectors, so let us create this new role of Senators” which was indeed for a 9-year term. Now, that is how we ended up with Senators in the first place so it is understandable that a whole generation that have grown up with that and seen the simplicity, if you like, of being able to vote for Senators and then getting some kind of representation from your vote will have some kind of affection; but I would say that it is completely misplaced. So if we are going to take a step forward today let us not simply recreate what we happen to have had in the past, but let us bring back Senators and create a new role for them. But, on balance, I do not think this proposition does that; I think what will happen is it will saddle P.P.C. or a subcommittee of P.P.C. with a completely unmanageable task and that there will be too many competing interests that they will not be able to resolve, i.e. a waste of our time, which seems to be something that Deputy Scott keeps saying that we should not be doing. We should not be wasting time in this Assembly; we should be getting on with the vital pieces of work. I did listen to her on the BBC this morning and she interestingly was talking about the economy. She was saying that the economy is in a mess and that we should be focusing on the economy. I do not see the automatic link between bringing Senators back and on the other hand solving the issues we have in the economy. I think Deputies and Constables now and in the future are quite capable of hopefully getting their heads together and working on those serious issues.

### **1.2.3 Deputy S.M. Ahier of St. Helier North:**

Here we are once again with a proposition that asks that the office of Senator elected on an Island-wide basis be reinstated in time for the general election in 2026. If that sounds familiar it is because those were the exact words that Deputy Gorst used in January this year when he proposed the exact same thing. The difference this time is that Deputy Scott wants us to agree that the number of Deputies in the States Assembly should be reduced, although she does not state by how many and that presumably will be left up to P.P.C. to determine. But she infers that only one Deputy for each existing constituency would be the absolute minimum requirement. I am sure that most Members will find that suggestion quite deplorable. Indeed I believe that even Deputy Gorst may find it difficult to support such a suggestion. Extending that logic, we would be left with one Deputy in each constituency, 9 Members, plus the 12 Constables, plus 28 Senators elected Island-wide. But surely if we wish to dilute the value of each person’s vote why not include one representative from each Parish as well, or maybe include one of the Procureur du Bien Publique from each Parish. This way we can ensure the most uncompetitive electoral system ever invented. Very few of those elections would be contested and that, in my eyes, is what Deputy Scott’s endgame is. But why would we alter a system which worked so productively in 2018? Not only was it the most competitive election in the Island’s history, the reform resulted in a most welcome increase in the number of women standing and being elected to this Chamber. **[Approbation]** We would be throwing all that progress away for the sake of a single Member’s vanity, for it is a vanity project. It seems the Deputy Scott is determined to one day be addressed as Senator Scott, even though she has already proven herself unlikely to win a Senatorial election. Stranger still; changing the means by which ...

### **The Bailiff:**

Deputy, that is a personal remark directed at another Member and it is also suggesting that the Member’s motives for bringing the proposition are self-serving and that is directly in contrary to Standing Orders. So please withdraw that remark.

### **Deputy S.M. Ahier:**

I apologise, Sir. I am happy to withdraw. It is important to remember that under the previous system a Senator was not guaranteed a Ministerial appointment. In my last term of office I sat alongside Senators Vallois, Moore and Pallett on the Corporate Services Scrutiny Panel. These Senators had respectively finished first, second and fifth in the Island-wide election. Perhaps this is the *raison d'être* of Deputy Scott's proposal to bring back Senators, to ensure that she has plenty of Members for her E.I.A. (Economic and International Affairs) Scrutiny Panel. How did we even come to have the role of Senator?

**Deputy M.R. Scott:**

Sir, sorry, could I have a point of order again? I do think that is personal. Clearly if the States Assembly approves this proposition it is not going to produce Members for my panel because it will not exist at the time they are brought in. I would like the Deputy to withdraw that personal comment too.

**The Bailiff:**

Well, it is a suggestion of what the motivation might be, Deputy. I am not going to direct you to withdraw that. You have heard what has been said. I will leave it up to you as to whether you withdraw it or not at this point because it is a marginal comment, in my view.

**Deputy S.M. Ahier:**

I will allow it to stand if that is possible, Sir.

**The Bailiff:**

Well, if that is your wish. Please carry on.

**Deputy S.M. Ahier:**

Thank you. How did we even come to have the role of Senator? The first such election was on 9th November 1948 when 18 candidates stood for the 12 seats formerly reserved for Jurats. The candidates who finished in the top 4 were guaranteed a term of 9 years. Those who finished fifth to eighth got a term of 6 years, and the last 4 won 3 years. This system meant that Senatorial elections were held every 3 years and 7 Jurats stood for Senator even though they felt it was incompatible with their positions as judges of the Royal Court to seek votes, or even to appear at hustings. Nevertheless, the first Senatorial election was reasonably competitive, probably because there were no other elections on that day. Those that were defeated on 9th November could then stand for Deputy on 8th December later that year. The concept of having different elections on different dates to ensure a modicum of competitiveness does not seem to have occurred to Deputy Scott. The one major difference between the 1948 election and this proposal is that there were then 12 Deputies elected for St. Helier, 4 from each of the 3 districts, as compared to the possibility of only 3 representatives under Deputy Scott's scheme. If we are going to revert to the good old days should we not include fair representation for St. Helier? I would like to mention there that I was most surprised with the Constable of St. Helier for supporting the previous amendment which would have removed 3 Deputies from St. Helier. It seems to me that Deputy Scott is cherry picking which aspects of an antique system she wishes to reinstated. This proposal is clearly detrimental to the representation of our Island's most popular Parish. It is quite simply undemocratic. I must briefly address the insinuation that Islander's secretly yearn for more votes. Let us look back at previous Senatorial elections. In 2014 people on average voted for 6.1 candidates out of 18. By 2018 that figure was 5.6 votes out of 17, yet it is presumed by the proposer that Islander's want nothing less than an additional 9 or more votes when they currently struggle to select 4 Deputies. But who are these people who are hankering for a return of Senators? If we look back at the referendum of April 2013 only 20 per cent of those that voted wanted to retain Senators, an inarguable 80 per cent voted to remove them altogether. I firmly believe that this remains the case throughout the Island today. Indeed, if this proposition is successful we would have no alternative but to put the question to the Island in another

referendum. I noticed in the opening speech of Deputy Scott she mentioned the 58 per cent of submissions to the Electoral Commission report of 2013 who supported bringing back Senators. Unfortunately in the report it lists all those people who put in submissions, and I counted them, and there were 379. So 58 per cent of that, if my maths is right, is 219.8 people who put in a submission for Senators, and that compares to the 2013 referendum where 16,779 people voted against Senators. So I am not too sure how representative that is.

[11:45]

We must also accept the unfairness of the Senatorial system. The cost of running a campaign Island-wide is estimated to be between £8,000 and £10,000. This automatically excludes a very large section of society who would be unable to fund such a campaign. This is not the proper way of selecting representatives. We do not wish to encourage the formation of a plutocracy. In October of 2020 P.139 was passed by this Assembly by 31 votes to 16, ensuring the removal of Senators from this Chamber. Of the 16 who voted contre, 10 are no longer Members of this Assembly. Perhaps they are hoping that Deputy Scott will be successful today to give them the opportunity of making a comeback. It took 20 years after the publication of the Clothier report to implement that vital change which moved Jersey to a more democratic election model. We must not throw away the progress that has been made on a whim. The voting public are sick and tired of politicians debating how they will be elected instead of concentrating on the pressing issues of the day. It is time to stop navel-gazing. We must not continually try to revoke decisions that were made by the previous administrations. I implore all Members to vote against this proposition.

#### **1.2.4 Deputy A. Howell of St. John, St. Lawrence and Trinity:**

This was an issue on the doorstep and that is why I am standing up to mention it now. Deputy Mézec belittles their opinions. I did what the Constable of St. John recommended and knocked on as many doors as I could. I agree with Deputy Ward, we all deal with issues that are Island-wide, but this would not change if there was an Island-wide Senator. It is my electorate that wish to have a return to an Island-wide vote. Some were disappointed that in our district they were unable to vote either for members of Reform or for members of the Jersey Liberal Conservatives, and they had to put up with candidates such as me. Although Deputy Mézec believes otherwise, electors do feel that they have had their democratic rights halved. In our district the number of States Members that electors can now vote for is 5. It used to be 10 in each Parish. This means that they used to be able to vote for 20 per cent of the Assembly rather than now when they can only vote for 10 per cent. We need 25 people to have a majority. It is the number of Members of the Assembly that is important. If electors can vote for a greater number they do have a greater influence. We already have an excellent member of the P.P.C. - who is unfortunately not here in the Chamber at the moment - who has offered to look into this, and I do urge Members to support my electorate who really want a return to an Island-wide vote, and support this proposition.

#### **1.2.5 Deputy M.B. Andrews of St. Helier North:**

I think it is rather convoluted having 3 different positions in a unicameral legislature and that is one of the reasons why it has been so unique for other politicians or diplomats to see our political system, and I think they then raise questions as to why are there Senators, why are there Connétables and why are there Deputies. Finally we have seen a degree of progress where now there are only 2 positions in the Assembly and I think that provides a bit more clarity, and at least it gives more female candidates an opportunity to have a better chance during elections with the reforms that have taken place. I think had it been the case that Deputies were elected to a Parish level, women would be very much up against your typical conservative male politicians, and I think that the changes that were proposed by the previous Privileges and Procedures Committee were ones which I would probably say are very progressive. Now we see 21 female politicians in this legislature and I think that is something that we ought to be very proud of. Now, when it comes down to the position of Senator

it is very expensive. Okay, yes, it is an Island-wide mandate, it gives people who are our constituents an opportunity to vote for more politicians. However, I think our current system in terms of when we are looking at our current constitution, it still is in need of reform. I will explain why; it is still relevant to the proposition. Because when I look at the position of Connétable it is very much a decentralised role and really it ought to be one with devolved powers at a Parish level. For Connétables to be sitting in a national Assembly, a national legislature, for me does not really correlate for the responsibilities that a Connétable must really prioritise. The Connétable has a very convoluted role because they need to try and prioritise and find a balance with Parish matters and also national Assembly matters as well. I think it has really been proven to me, looking at the Government Plan and looking at the number of amendments, it is the non-Executive Deputies who have been lodging amendments and there has only been one amendment lodged by a Connétable. I do not blame the Connétables here but all I am saying is the Connétables have a tremendous role, a tremendous responsibility, and their workload is double because they are doing 2 roles. In essence, when you look at the Deputies in the non-Executive and the Executive there is one role, and our role ought to be that we are approaching things with an encompassment of policies for Island-wide issues. That is the whole point of having a national Assembly. I would rather regard a devolved political system where the Connétables are supported, looking at councils similar to other jurisdictions where there are other politicians at a decentralised level to provide that crosscheck and balance, because at this moment in time we do not really see that happen. The Connétables have a great degree of responsibility and there is nobody really there to support them because there is a disconnect between the Deputies who are elected to the constituencies who really have to focus on the Island-wide issues and they do not really have the time to then focus on the issues at a devolved and Parish level or, as we now are, in a position of being representatives in a constituency. Even when I look at myself; I was elected to St. Helier North, I was third out of 4 seats that were available, and I think for my electorate they can say that as a politician I have delivered, and I have delivered 7 propositions I think I have passed through this Assembly. What difference does it make if I was standing as a Senator or a Deputy, as long as I am effecting change; that is the important thing and that is what people will judge me on. Now, I think there probably needs to be more clarity politically because at the moment when we are looking at our current constitution we see all of these independents coming forward and it is individual mandates, and it is very difficult to try and enact changes because we do not even know one another politically until we are in here and then we kind of have an understanding of where everybody is and where their political leanings are. I think that is probably one thing that is really hindering the Assembly, to a certain extent, and that is probably the reason why I do support seeing political parties because that is probably going to provide us with more clarity in the long run. Because at the moment all we seem to be seeing is a short-term vision and it is a similar political cycle every 4 years, and I do not see how electing Senators - and it does not matter how many Senators we are electing - is going to improve engaging the public but also how are we going to move the Island forward, because we have some serious issues. I think it has been very clear that, yes, on the doorstep many people were disappointed with the decision that Senators would no longer form part of Jersey's constitution, but at the same time 18 months in people are questioning: "Well, what are they doing? Why are they spending time debating constitutional reform to reinstate Senators when we have just got rid of them?" I totally understand that sentiment. You look at Facebook, you look at Twitter, most people are starting to question us now. Even looking at something like Robert Dahl. He would always say politicians who represent the interests of their people will build tolerance. Even if they are unsuccessful people will have confidence that their politicians are doing the right thing. What I do see here is the public are becoming more intolerable because of us, because we are not delivering what we should be doing as a collective. All we seem to be seeing is individuals coming forward with proposals and they may be accepted and, okay, we have got some things across the line, but there is no collective approach and it is very disjointed at the moment. I think what we ought to be doing for the remainder of this 2½-year term that we have, we have really got to be working more effectively with one another because if we do not work with one another and if we are not willing to



come up with an aligned agreement then what we will start to see is a fractured States Assembly that is going to appear more and more conspicuous. I think we have already seen that this week, and we have also seen some Members in the Executive who have commented about their own Executive in a very negative way, and that for me is just not acceptable. You are either in the Executive and you are a team or if you do not want to be there then go. So that is all I need to say.

#### **1.2.6 Deputy L.J. Farnham:**

Somebody said to me in the coffee room I droned on a little bit so I am going to be short and sharp. There has been a lot of anecdote, and Deputy Mézec - he is nodding his head - chided me and other Members for the anecdotes on the doorstep. Then he presented to give us a load of anecdotes himself about what people have said to him in social media and so on and so forth. There are 2 meanings to anecdote; one is an account regarded as unreliable or hearsay and the other one - which I always use - a short, amusing or interesting story about a real incident. So I just wanted to say there are a lot of Members throwing up smokescreens here. A lot of Members who spoke passionately in favour of retaining the Island-wide mandate in February of this year who are now speaking passionately against it. Maybe we have to come to the conclusion that times are changing. It is disappointing that all through this whole escapade it has been the Members of this Assembly with the fewest votes who have kicked out the Members with the most votes. I am sorry but I think that was wrong all the way through. The last referendum attempt we had was completely flawed and attempts to have a referendum on the question of the Island-wide mandate have been rejected, and it would be rejected again now because Members of this Assembly I think would be probably scared of seeing the answer, scared of the strength of feeling of Islanders. But I think probably that is classed to some as progress. I do not think it is. I think this Assembly in relation to representation have let Islanders down. But, having said that, I do respect the views of Members and we do have to move forward, and I undertake to move forward with whatever political system we have, although I would still urge Members to support Deputy Scott's proposition and I would urge the Members who might have persuaded other Members to vote against my amendment because it was too restrictive and we should give P.P.C. the opportunity to do the work; I say to those Members be true to your word and support Deputy Scott's proposition and let P.P.C. do the work, but I doubt that will happen. I think we are probably heading in a different direction. I do not think it is progress. I predict that the Bailiff will not be chairing this Assembly for too much longer. I predict that the Constables will be gone; they are already getting closer to the door. Senators sat there not so long ago. They will be out and that is where we are heading. If that is what our modern society wants then so be it, but I do not think it is appropriate, I do not think it is the best, most democratic way of managing our affairs in this unicameral system. But I would like to thank everybody for participating. Those are my views and I urge Members to support the proposition and give P.P.C. the opportunity to come up with something.

#### **1.2.7 Deputy C.D. Curtis of St. Helier Central :**

I have to say I do not agree with the previous speaker. Last year I was lucky enough to discuss elections with election expert Adrian Lee.

[12:00]

We discussed some of the concerns over all-Island voting. Firstly, the high expense of running a Senatorial campaign - as mentioned already by Deputy Ahier - and secondly, that those who are already known are at a huge advantage. For these 2 reasons Senatorial elections work against diversity and favour both the rich and those who are already well known, for example, those who work in the media. In contrast our current electoral system has brought us the most diverse Chamber ever and before reviewing and improving this system we need to give it more time. Above all, I really do not think we should be discussing this today. We have so many more important matters we should be debating. It does seem like a waste of time. To sum up, I mirror the points made in Deputy

Mézec's speech and I agree entirely with the Constable of St. John's point which was let us not go backwards. I urge Members to reject this proposition.

### **1.2.8 Connétable A.N. Jehan of St. John:**

I appreciate the leniency you gave me yesterday, as Deputy Scott said, I was tired. But I rise again to speak because one of my constituent Deputies said that the majority of the people in that district wanted the role of Senator. Notwithstanding what Deputy Luce said this morning, I thought I would look at some of the facts. In St. Lawrence 23.7 per cent of people voted to retain Senator, in Trinity 29.6 per cent voted to retain Senator, in St. John 24.2 per cent voted to retain Senator. Overall on the Island 19 per cent of people voted to retain Senator, so I have to say, although I do agree with the Deputy often, on this case I do not. In St. John, 348 people voted for the current system that we have. A and C combined also polled 348 people, so I am quite happy to stand here time and time again to say I have got a mandate from the public of St. John to vote to not have Senators.

### **Deputy L.J. Farnham:**

Could the Constable clarify was he referring to the results of the 2013 Referendum?

### **The Bailiff:**

It is up to you whether you give way for clarification.

### **The Connétable of St. John:**

More than happy to do so and if the Deputy would like to look at his district, he will see similar results.

### **1.2.9 Deputy J. Renouf:**

When I worked on "Newsnight" we had a favourite trick we used to deploy to prick the pomposity of politicians. We would go out on to the streets of a town or city somewhere in the U.K. armed with A4-sized photographs of the Cabinet, then we would ask members of the public to identify the names of Ministers without telling them they were politicians. The public would reliably misidentify various Ministers as characters in soap operas or football managers or the like. I suspect that if you pulled that stunt today and went down King Street with a picture of me most people would be equally confused. The point is that most people do not spend their time obsessing over politics, not today any more than they did when I was on "Newsnight". We delude ourselves if we think otherwise. Inasmuch as they do think about politics they want us to sort out problems, to address the issues that matter to them. So the first question I ask myself regarding this proposition is: how much does the person on the Corbiere omnibus care about this debate? I think we all know deep in our hearts that most Islanders do not care. Deputy Mézec made that point to good effect. We are answering a question no one is asking. We are debating issues about which the public have little or no interest. There is a minority of the population heavily represented, quite possibly over-represented in this Assembly, who passionately believe that the removal of the Senators from this Chamber was a great injustice. Having failed to persuade the Assembly to bring back the Senators earlier this year, they are back for another go. The trouble is the arguments have not changed so I ask myself: what has changed over the course of this year? Only one thing has changed, those in favour of bringing back the Senators believe that this time they can win. They have located one or 2 switches and hope that this will be enough to get it over the line this time. I think we can see that that is the case by the number of times the debate was postponed because various people were not going to be in the Assembly to vote in the required direction. I have to say I do not think this is a great way to go about resolving an issue of great weight and about which this Assembly is clearly divided. Given the seriousness of the issues, the thinness and lack of coherence of the report and arguments accompanying this proposition is particularly worrying. Deputy Mézec has already dealt with the argument that having Senators back will encourage immigrants or finance workers to get more involved but I would ask this central question: what exactly are we trying to achieve? It is frequently

mentioned that increased turnout would be an aim. Well thankfully there has been some research on that conducted after the last election. A policy paper has been produced by the Policy Centre which asked people who did not vote why they did not vote: 30 per cent said: "It would not have made a difference"; 28 per cent said: "Do not trust the political system"; 24 per cent: "Not interested in the election"; 22 per cent: "Do not know enough about the candidates" and "do not know" and "loss of the Island-wide Senator vote" recorded 3 per cent each. Three per cent; 3 per cent of the public did not vote because they could not vote for Senators. Every time we debate this issue we slide further into irrelevance in the public's eye. They do not care about this stuff. Do you know how many times the Youth Assembly have chosen to debate this issue? None. Not once. Let us look at some of the other points that are made. We have already heard arguments about the idea that because you get more votes you somehow have more voting power. That is not true. It is said, and I think this is the central argument, that the Senators are the most democratic of the elected officers and that, as others have pointed out, is simply not true; it is a myth. There is no single way of measuring the quantum of democracy encapsulated in each class of States Member, it depends how you define democracy. More than that, we should not even be thinking about more or less democratic Members of our Assembly. What does that say about those not touched by the superior status of Senator, the less democratic Members, deficient in their democratic mandate, carrying less authority, waiting perhaps for the day when they can ascend to the higher status of Senator. Our focus should not be on creating a supposed elite cadre of more democratic Members, our focus should be on creating a more democratic Assembly, the whole thing. Truth is, as several Members have pointed out, that is what we have now: a more democratic Assembly than the one it replaced because the representation of each electoral district more accurately reflects the population that lives there. In an Island-wide mandate those areas that have the highest turnout gain the greatest say. It is also argued that the Senatorial elections provided Islanders with an opportunity to collectively discuss and consider key issues of interest to every person in Jersey, not just matters relevant to one Parish or district. Again, that depends, does it not? Hustings with 9 candidates elected will mean upwards of 20 candidates standing, probably more, all on the same platform. A 2-hour meeting, public meeting, will allow around 5 minutes for each candidate to speak in total. The alternative argument is this: not having the Senators compels every district election to be about Island-wide issues as well as local issues, and that is indeed what happened, certainly in St. Brelade. Remember, we would be going back to exactly the same system that we said for about 2 decades was not working. For all that time the one point of consensus in all the arguments about electoral reform was: "We needed to change the system." The disagreement was about what should replace it. Now we have finally managed to create a new system and immediately some Members want to go back to the past. I would urge Members to vote against this proposition, we have more important things to do, it is the wrong answer to the wrong question asked at the wrong time.

#### **1.2.10 Deputy S.G. Luce:**

I did promise I would say a few words in this large debate. I am a Deputy, I was elected Deputy of St. Martin; I am now a Deputy for St. Martin and Grouville. In my position as Deputy I have always been very clear of my roles and responsibilities because one thing that does not appear when you look at an official publication in the Parish of St. Martin, for example, is that the Deputy is part of the municipality, and I have always been very clear about that. My role as Deputy is to represent the people of St. Martin and not the Parish itself. It is interesting, therefore, to hear what I was told on the doorsteps when I knocked on doors before the last election was not real evidence of anything at all, and that is what Deputy Mézec said, which I found interesting. We have also heard that politicians who represent their interests of their electorate are doing the right thing, which Deputy Andrews said in his speech. I would just say this to Members, in the past I voted for change, I voted to do what I thought was the right thing, but it has been made absolutely clear to me on the doorsteps of St. Martin and Grouville before the last election that my electorate, the people who have put me in this Assembly, are extremely unhappy. Everyone I spoke to - literally everybody I spoke to - mentioned

the loss of Senators. So, I will be doing what I am elected to do which is to represent those people who voted me into office today and those people have told me that they very much want Senators to come back and I will vote accordingly.

### **1.2.11 Deputy R.J. Ward:**

I wanted to add a slightly more positive approach, is the word I am searching for, to this and then look at what we have now. We have a greater, more equal representation for different districts and I want to start off by saying there is - I have to address - this false dichotomy between the constituency issues and Island-wide issues because we deal with Island-wide issues all of the time, be they about ... we voted on landlord licensing, that is an Island-wide issue. We vote on tree regulation, it is an Island-wide issue. I am really trying to find one that is purely for my constituency. I can think of one, it was the hopper bus going to Springfield. I remember that one and I lost that one anyway so, therefore, even in my constituency I lost, but at least we tried. So that is a false dichotomy. But what we have now, let us look at the positive that we have now. We do have an Assembly that is more reflective of our population. It is not perfect but I want to say that again, think, we have an Assembly that is more reflective of the people that we represent, of those differences, be it age, gender, culture, background, race, creed, religion, colour, all of these things, it is getting better, and that is a really healthy thing for a democracy. As chair of the C.P.A. (Commonwealth Parliamentary Association) I like to go to represent Jersey and be able to be really proud of our democracy and I think anyone who has been with me, whether they agree or not with my politics, would say that I would stand up and say I am very proud of the direct democratic process that we have here, that we can bring to the Assembly, that I have said so many times that people get tired of it, but it is a really important thing to have. So when we look back, the only real Island-wide thing we have had to look at Senators was the referendum on that time. I desperately hope we do not go down the road of another referendum and spending all of that money to get a view because that is what will happen if we adopt this. There will be a referendum because that will be the only way to be certain as to what we want to have, to come up with a decision about how we are going to do this. I personally see that is not the referendum that would be a useful use of our money and I think that is what puts Members off from voting. Let us talk about that. We have an opportunity in the next 2 years that are left here within our constituencies to be really in touch with our constituents.

[12:15]

It is improving. We now have 5 in St. Helier Central for all of that dense population that is growing and growing all of the time. We work really hard, we are involved with things all of the time, and I really do not like this notion that because we may not be Ministers that we ... I do not know, it just seems to be a suggestion that we are not working as hard or we are not as involved. That is certainly not the case, and if I have got that suggestion wrong then I apologise, because it is simply not true. We do Scrutiny, I chair a Scrutiny Panel, a large Scrutiny Panel, I also work a lot with constituents. I have got to a point where I am saying to my colleagues, and they are probably looking at me, saying: "Can we share some of these things out, please? Because I cannot handle this one, I do not know what I am doing." That is another beauty of this. I am not a specialist in every area but I can go to my direct colleagues within the constituency all across St. Helier and say: "I think you know better about this than me, could you help me with this?" and that constituent gets a better, more direct and specialised help in what they want to do because of that situation. When I look back at the report, I can honestly say I have no idea what we are trying to achieve with this main proposition. I listened on the radio this morning and I am afraid I could not understand what the coherent argument was that was being put forward about the economy and what we are doing with Deputies and Senators. I say that because we have to be so careful that we do not bring this world of confusion to something that is working now. What we have to do is focus our efforts collectively in making what we have now work well for people in our constituencies to the very best of our abilities. It is not a waste of money to support people in their constituencies, to provide that resource so that people know where we are,

where they can get hold of us, so there is a safe place for us to discuss difficult issues with our constituents so we can assist them. It is safe for us, it is safe for our constituents, it is safe for everybody, and that is vital and that is a direct democracy that we have here on a small Island that we need to address. The notion that we can have another type of States Member that may have more validity than a Deputy in this but have the same level of vote just does not make sense. There comes a point in an argument or in a discussion where you have to say: "I am afraid it simply does not make sense." I have got to say that there have been times that as an ex-teacher I have stood in these debates and thought: "We are going to have to start the lesson again because nobody is understanding here." I would have left the classroom thinking: "I did not present that very well, nobody really understands." It is usually atomic theory but this case it is around what we are doing with Senators and what democracy is. I would suggest this, if we want to talk about how we have a really democratic Island-wide representation, there is a really good way to do it, and that is for a really consistent manifesto across all constituencies: "What do you stand for? What are you going to do?" Somebody who has been involved in political parties from day one ... and we are 10 years old next year, and you are all invited to the party, do come along. Genuinely, you are invited. We have consistently across this Island put one manifesto out, that would be our Government Plan, people would be voting for what we would do. It is clear, we have been consistent. You might not like it, but at least we have been consistent, and that is the way that you get small constituencies and you get real democracy. People know what they are voting for and they know the person they are voting for and they know why they are there. They are not detached from their constituents because they are above them, they are directly involved locally with those constituents. By increasing the number of Parishes that Deputies have been involved in, there are more constituents they have got involved with. That is a good thing. More people are seeing you and asking you for help and saying: "What do you do?" That is the way we are going to get people voting. Now we will always have trouble getting equity in voting, i.e., the numbers that turn out in different areas. In the centre of St. Helier we have a transient population too often, people moving from place to place, changing address, perhaps not knowing even if they are qualified to vote, whether legally they can vote. That is what we need to work on, to say to people: "You can vote, it is easy for you to do that. It is easy for you to register and you have a duty to go and vote." That is what we should be discussing in this Assembly and what we should be doing. Not: "Let us go backwards and have somebody who is more important than you are as a Deputy. But I want you to still vote for this Deputy, but they are more important than you when they come to the Assembly, so vote for them as well." "Oh, you do not really know who they are? Do not worry because you are not going to see them anyway because it is going to be your local constituent Deputy, who is not as important as them, but they are going to come in and say: 'Do not worry, vote for anyway'." It does not make sense and that is when people look at it and say: "This is a system that is not going to work for me and I am not going to get involved with it." I think that one of the things we have to do is to look very, very carefully as to why we keep coming back to this debate. I believe that the reason we keep coming back for this debate is we have a disconnect locally and within our constituencies, that is improving now because of the changes we have made, and the validity of what we do. Every time we talk ourselves down, we always do that thing about: "Oh, it is warm in here; it is because of all the hot air", that does not help us in our profession, in our role, in our job, call it what you will, as political representatives on this Island. We need to take ourselves seriously, we need to take others seriously and we need to take our constituents seriously. We do that by locally being really involved. I would make a plea, we need to run this system through again, we need to get to the next election the way it is, so that we can say to people: "This is what we have done in the last 4 years to you locally, to you nationally", if you want to say nationally across Jersey, "and this is what has happened in terms of the influence in the Assembly. We have not lost as individual Deputies. Whether you are in Government or not, you have still had an influence, and this is what you have tried to do. This is where you have been successful, this is where you have not, but that is what your democratic representative is doing for you." I want to be able to be very proud of the work I have done, does not mean everyone is going to agree with me,

and it is quite nice that there are some people who I know in my constituency I know will not agree with me, but they still say hello and we have a chat and we talk about why we disagree. That is intelligent, thoughtful, kind politics where you can still be true to yourself and you can know the people that you are representing. But to detach that with an Island-wide mandate because of some notion it is more democratic, I am afraid is simply incorrect and we are missing an opportunity we made for ourselves last time and we are about to throw away. There is a phrase “throwing the baby out with the bathwater”. We are not doing that, we are doing the baby, the bathwater and the bath and then saying to some people: “You are not even allowed in the bathroom” and we have got to stop this nonsense. Please, just let this system run through again. Let us show our value day to day in our constituencies to the people we represent and if they do not like us they get someone else in next time but they know where they are voting this time and they know what they are doing. I will mention something that has not been mentioned so far, all of that change went through via COVID, during COVID times. You are not going to see the positive impact as much as you should have because of the effect of COVID. We are seeing it everywhere and we are seeing the impact of that now. Let us be realistic about this. We made a change to our electoral system, that is why it has got to run through in times that are much more “normal” in terms of without that pandemic and its drag on society. Please, I ask people ... and it is not about just changing, it is about perhaps understanding more, understanding more of the role that we have as politicians, growing into those roles, and maturing, all of us, and that is not just about age, in terms of the work that we do and understanding the nuances of what we do because it is, like any job, you do not know until you have done it and there are surprises around every corner. I plead, and I say to people, please, let us keep this going for another term. Let us get the election going again. If eventually we can prove genuinely it does not work then I will be one of the first to say that. Personally, I think we would do quite well as a party in a Senatorial election, an Island-wide even, but the value of that is not ... the importance is our local contact and the way that we can move things forward. So, please reject this proposition, it does not work.

**The Bailiff:**

Does any other Member wish to speak on the proposition? Deputy Bailhache.

**The Connétable of St. Mary:**

I am pleased to ...

**The Bailiff:**

I am sorry, Connétable, there were 2 lights on at the same time. I called on Deputy Bailhache, I will call on you after that.

**1.2.12 Deputy P.M. Bailhache of St. Clement:**

This has been a long and tortuous journey. I think it may be useful to reflect on how it started. It probably began with Clothier and the introduction of Ministerial Government. The one key event which is in my mind was the election of the then Senator Le Sueur as Chief Minister. Senator Le Sueur had, in his earlier capacity, introduced a goods and services tax which had been highly controversial but he was in the middle of a Senatorial term. When the next election came around, I think in 2008, Senator Le Sueur did not face election. For those who were disgruntled with the introduction of G.S.T. (goods and services tax), it was very curious to see that a politician who had not faced the electorate was suddenly appointed as Chief Minister. It was, perhaps I should just say *en passant*, that Senator Le Sueur was a very good Chief Minister, in my view, one of the best, but his election led to the idea that there should be a single election day upon which every candidate should face the electorate. The number of Senators were then reduced to 8 to accommodate that change and they became elected on the same day as Deputies on a single election day and that, in effect, sounded the death knell for Senators. What was the difference between Deputies and Senators

thereafter? Absolutely nothing, as Deputy Mézec and others have rightly said. There was no difference and they were, in effect, an historical anachronism. They harped back to the time when we had Jurats and Rectors in the Assembly because, as we all know, Senators were the consequence of the removal of those constituents. Then we had the Electoral Commission, 2012 and 2013, and its recommendations and, again, as Deputy Mézec, the Constable of St. John have said, less than 20 per cent of the electorate voted for an option which included Senators, so option B has been largely enacted. I differ slightly from Deputy Mézec because it has not been entirely in its purity elected and effected and I think the system would probably improve if it were enacted. Six electoral districts is better, in my view, than 9 but I fundamentally agree with the Constable of St. John. What he said in the earlier debate was “let sleeping dogs lie”. Let us wait for a little while to see how the new system beds in and if it does need change, then we can change it. It is interesting that the Electoral Commission, on which Deputy Renouf and I both sat, took the view that the introduction of 6 electoral districts would in effect create 6 mini-Senatorial elections. I do not know what other Members’ experience is but for my part I certainly find that people who approach me come from all parts of the Island. I am a Deputy of St. Clement but I think relatively few constituents in St. Clement have approached me on constituency matters and I find myself acting as a surrogate Senator. The Jersey Liberal Conservatives’ manifesto commitment was to consider the reintroduction of Senators and my colleague in my party feels strongly that that should be considered.

[12:30]

I have no objection to the P.P.C. considering the possibility. I am not sure that I want them to do so on the basis of a resolution that Senators should be reinstated and I am therefore going to oppose the proposition.

### **1.2.13 The Connétable of St. Mary:**

What I was going to say has been slightly changed by the words of the last speaker. I was interested to hear one of his concluding remarks that he was frequently approached by members of the public other than from his own constituency. I would suggest that therein lies the problem. Deputy Ward mentioned the word “disconnect”, and that is a key to my speech. As with Deputy Howell in her constituency, there is a disconnect between the parishioners of St. Mary and the Island-wide vote, and they do feel, rightly or wrongly, they are disenfranchised, that they felt that they had a say in Government by being able to elect 8 Members to the Assembly, whatever role they took on, and that deprivation of their being able to do so does reduce their connection with Government completely. I suspect that happens with many Islanders too, that they feel they have a greater part to play and a greater interest and a greater say in how things are going if they do have some major contribution to the form of the Assembly. In my own constituency, we are fortunate in that we have 3 former Senators as our Deputies. I suspect that having been former Senators might well indeed have helped them be elected Deputies, but that will not carry on for ever. There are those in the future, my constituency and the other constituencies, who will look at the Assembly and find that no one they have voted for holds Ministerial office. That is a relevant point. Deputy Jeune, in her speech, referred to legitimacy and that is an aspect one needs to look at. I remember when the former Deputy Andrew Green as a Deputy had a major interest in health. He decided he wished to stand as Minister for Health but believed he could not do so unless he had the mandate of the public and so he stood as Senator, and that was his battle cry in his election campaign. He was third in the polls and, lo and behold, yes, he became Minister for Health. That is a different matter but all I am saying is that the Members of this Assembly who come to the Assembly and gain their seat with an Island-wide mandate do have a certain amount of legitimacy and that can be overturned by the Members as a whole, of course, but it is something to recognise. I do not think that necessarily makes the Senators a different category of persons once they are in, it does not mean that the electorate are, as a whole, contributing to the leadership of the Assembly which is, if not as important, certainly has some importance set aside that the mere vote ... it is not the mere votes which count, it is what they do and

the path they tread. So, as I say, following my responsibility to my electorate, I am in no doubt that the majority of my constituents do wish the return of Senators in some form. I voted against the previous amendment because it was too prescriptive; this one is especially widely open to enable P.P.C. to have a look at various aspects, and I shall therefore be supporting the proposition.

**The Bailiff:**

Does any other Member wish to speak on the proposition? If no other Member wishes to speak, then I close the debate, and I call upon Deputy Scott to respond.

**1.2.14 Deputy M.R. Scott:**

I thank Members for their contributions to this debate. I also thank the Privileges and Procedures Committee for their comments on the proposition. I have said in the past that we are politicians and it is important to learn from those we represent and it is also our main role to learn from each other. It has been interesting hearing the various contributions, which I will just respond to in a moment, because as politicians I believe that we are often kind of reputed, we have a good reputation, for losing focus and digression, and I am no exception, but that has happened a lot in this debate. I heard from Deputy Mézec and I think this is interesting because when I hear people, I hear evidence of culture. Something that I have become familiar with, I believe quite a few people who are seen as the badges of diversity, the women, this sort of thing, may well have become familiar with the way in which others speak for us. Eleven men spoke on this proposition just now, 2 women, and you may see more women in the Chamber but does that really mean that inclusivity has become part of its real culture to the point that we can even build on that and improve upon that? Because this proposition was not really inviting a history lesson as well as some personal comments, it was inviting the Chamber to innovate using what has happened before to make it better, to make this Chamber more accessible and to improve its inclusivity because there are certain things that I do not see right now. I do not see men of colour, I do not see care workers. Sorry, did I miss, there is a care worker? Sorry, then, if there is a care worker. But there are plenty of people, whether they are from different backgrounds who currently are not represented here and we need to look into why, and to some extent personal experience is relevant here. Am I the first mixed-race Asian in this States Assembly? People are not too sure. Okay, well basically ... oh, it is not a competition. Unfortunately, elected ...

**The Bailiff:**

I am sorry, we are not having a conversation between Members.

**Deputy M.R. Scott:**

No, sorry.

**The Bailiff:**

We are having a conversation through the Chair; it is a speech.

**Deputy M.R. Scott:**

Election is a competition and when I sought election I did not do this to have the title of Senator and I do believe what is coming out to some extent is this concern that it is something that gives people a particular status and that people think they are better for having that title. I really think that is absolutely ridiculous. I am sorry if people have experienced that in any shape and form that somebody is going around saying: "I am a Senator and I am better than you" or: "I have had more votes in my constituency, I am better than you" or: "I am a member of this party and I am better than you" or: "I am a man and I am better than you" because if you have had any of that, I sympathise; I truly do. It should not be happening and we, as a States Chamber, need to stop that from happening. We need to recognise where we are going wrong and correct it. I am also very conscious that when I stood for Senator on the basis of my own feelings about the accessibility to the States Chamber that



I did attract a certain amount of contempt from specific Members who are even here right now. What was I doing? What an upstart. I should have gone down the Deputy role. That remains in this States Chamber because there are still some people who think that that is what I was doing, that I was trying to prove I was better than anybody else. No, I learn from my States Members, maybe they might learn from my personal experience too. Or maybe they are not ready for it, that is possible too. Because, as far as I am concerned, we all have something to bring to the party, not a political party perhaps, but this Assembly and we are all equal insofar as our votes are concerned. To suggest that we are all doing the same job, I am sorry, Deputy Gardiner mentioned this, but we clearly are not. I am not the Minister for Children and Education. I very much respect that she has a role that has certain requirements, looking at her skillset, encouraging people to come here with particular skillsets, bearing in mind that it is impossible ... and I am saying my experience is, is that a barrier has been created by the removal of one route there that will have an effect on people with certain skillsets, with a certain way of moving and integrating with this community, which is not necessarily little parcels of land, and deprive them of access to this States Chamber. There was a lot of talk about maths and the whole point really when I first drafted this proposition was to invite the P.P.C. to look at the maths. I have heard some very sort of back-of-the-envelope maths happening: "Oh, if you have Senators that will mean that the electorate will get 0.5 per cent rather than 1 per cent." I do not know where those figures came from and how they are supported but I really would like P.P.C. to have a look at that. Basically if the States Assembly is prepared to accept that having more routes towards this States Chamber encourages inclusivity, those numbers need to be looked at and that would be their job. The power of vote versus the power of choice. Again, if you have barriers towards election then you are decreasing the electors' choice. Now, I know, and I already have said in my opening speech, that some people, again, have these connotations, associations with Senators like: "Well, it requires loads of money to stand." It does not necessarily. People have pointed to some exceptions but I am, despite what people may say are my motives or even suggest that without even having had a conversation with me about them, very anti-abuse of power, particularly financial power whether to be beholden to a private donor, even a union, wherever the money comes from, ideally you would not be looking towards other people just to get into the States Assembly to raise the funds. I do not believe we can necessarily make it free from day one, not particularly given the state of our finances and that sort of thing, but I do believe you can change the rules. If you take this first step then you can follow up and do some of the things that we also know need to be done to improve accessibility and improve Government. The use of anecdotal evidence, I will come back to that. Deputy Tadier knew people ... I am sorry, did I mention the economy being a bit messy at the moment and that you really need to encourage people who understand numbers to come in? Then if the Senatorial route is a way of doing that, why put a barrier there when there are some pretty complicated numbers to understand and work through. Deputy Ahier, yes, basically, I am not, as I explained in my opening speech ... and I have got this sort of *déjà vu* myself in terms of having said what my intentions were which has not been to cull Deputies.

[12:45]

I do accept they have a role but I also drafted the proposition to enable the margins of the work that can be done to enable Senators to be introduced, or reintroduced in a more constructive way, in a way that promotes and develops inclusivity to bring that forward. We come back to the submissions to the Electoral Commission. I did not write the Commonwealth observers' report. They referred to its findings. Some people have, and this includes the Constable of St. John - I got it right this time - and Deputy Ahier, mentioned the referendum in terms of a source of data. But, as we know, the referendum did not give people the choices that they want, so we come back to square one. Did not give the choice of having Senators, having Deputies of constituencies in the way that we do, and having Constables too. We had Deputy Andrews speaking about having 3 States Members is complicated. Well if that is the kind of way in which you want to approach diversity I think maybe it would be ... why do we not just reduce the different types of teachers to 2? Why do we not reduce

the number of types of doctors to 2? Oh dear, would it be an inconvenience that we got different races or whatever? At least we have got ... oh no, we do not have 2 genders or do. We have got to be able to accept that our electorate are capable of understanding 3 different roles in a unicameral Chamber to bring together our resources to approach the work that we do in an organised way and one that is more financially efficient. I am going to come back, when we come to our organisation ...

**The Bailiff:**

Deputy, I am afraid Standing Orders require that I interrupt you at 12.45 p.m. If you could indicate how much longer you think you will be speaking so Members can decide if they wish to continue or move for the adjournment.

**Deputy M.R. Scott:**

I believe I have got another 15 minutes or 10 minutes.

**LUNCHEON ADJOURNMENT PROPOSED**

**The Bailiff:**

The adjournment is proposed. You will have the opportunity to continue from 2.15 p.m. onwards.

**Deputy M.R. Scott:**

Yes. Thank you.

[12:48]

**LUNCHEON ADJOURNMENT**

[14:17]

**Deputy M.R. Scott:**

Members may be glad that while we paused for refreshment and with my interest in improving efficiency, I have a much shorter speech to deliver than I anticipated before our lunch break. **[Approbation]** One thing I have learnt from this debate are the negative connotations some Members have with the role of Senator. There was a point in time when some Members may have had negative connotations with women, yet they learnt to be positive about the role that women can have to play insofar as they have a different and useful way of approaching problems. Having more female and diverse faces in the States Assembly does not mean that the culture they find themselves in right now works best for them. Inclusivity needs to be built upon and negative connotations and prejudices need to be dropped in many ways. It was uncharitably suggested by one Member that I brought this proposition so that I could seek election as a Senator, but I do not have a problem with the title of Deputy or Senator. It cost me less money to stand as a Deputy than a Senator and I see the attractions there but I no longer am the target market for this proposition. I have had my own political journey and I am where I am. When I first arrived in this Island and joined its finance industry I was in awe of how successive Island Governments had achieved and supported economic success. Key to its success was rightsizing, flexibility, embracing innovation and optimising limited resources. I found the Island-wide community I was in embracing of what I could contribute and I thank them. I thank those members for the opportunity it gave me to serve, without putting barriers in my way, using my skillsets, despite me not being a local. Recent research published by the States Members' remuneration reviewer reported some of the views on States Members that she had received in the consultation connected with her review. I quote, this is about us: "They are not value for money, especially with their bad choices regarding hospital planning expenditures this past 5 years. These individuals are often under-qualified and just get into politics to benefit themselves." A letter in the *Jersey Evening Post* a few weeks ago: "I once had the pleasure of nursing an ex-States Member and he told me that Members of the States often consisted of successful businessmen and

women who have the skills and knowledge to bring to the States.” I wonder if we have lost some of this skillset now. Are States Members going to listen to these comments because the door that was closed is more reflective of the opinion one individual posted on the States Assembly’s Twitter account with respect to this proposition saying: “Only people born on the Island should stand for election.” Removing Senators was a classic way of the former States Assembly cutting its nose to spite its face, chucking out the good as well as the bad. This proposition is an opportunity for States Members to demonstrate that they wish to deliver improved democracy and improved accessibility to this Chamber, reflecting the aspirations and wishes of our community to reverse a downward spiral in our economy and management of public spending. It is illogical and damaging to public perception of the States Assembly to continue with a setup that runs counter to this. I accept this is not a single proposition solution, one proposition will not do it all. Other things also need to be done to help organise and resource the States Assembly better but if adopted it will be a step in the right direction if you care about inclusivity, if you care about the economy and controlling public spending. Sir, I heard you speak at a Diwali Festival of Lights celebration in St. Helier last weekend to which the Island’s Indian community had kindly included States Members. I remember something from your speech which said: “When you open a door you let in light and, firstly, if you shut a door you may well exclude some of the light.” Those of us who persist in seeking reinstatement of the Senatorial seat, even though we ourselves know we can be elected as Deputies, do not do so to be regressive and unproductive; in fact, the opposite. We do it to build a path back to improved productivity. We do it to build a path to improved inclusivity, both in Government and improvements in our economy, and many other aspects of public services, rebuilding health, improving education, all these things, when we cannot afford to fail. If the States Assembly is to regain the trust of the public it needs to be responsive to the biggest problems that our electorate faces right now and to think about its resourcing innovatively, without prejudice, and abandoning negative connotations so that we can build on what had potential and can be used well. I ask Members to support the future interests of this Island by supporting this proposition and I call for the appel.

**The Bailiff:**

The appel is called for. I invite Members to return to their seats. Members will probably recall that under Standing Order 89A a decision of this nature requires 25 votes pour in order to pass because it is dealing with the composition of the Assembly. If Members have returned to their seats, I ask the Greffier to open the voting and Members to vote on the proposition. If Members have had the opportunity of casting their vote, then I ask the Greffier to close the voting. The proposition has been defeated: 14 votes pour, 30 votes contre, one abstention. **[Approbation]**

<b>POUR: 14</b>		<b>CONTRE: 30</b>		<b>ABSTAIN: 1</b>
Connétable of Trinity		Connétable of St. Helier		Connétable of St Martin
Connétable of St. Clement		Connétable of St. Brelade		
Connétable of St. Mary		Connétable of St. John		
Deputy C.F. Labey		Connétable of Grouville		
Deputy S.G. Luce		Connétable of St. Ouen		
Deputy I.J. Gorst		Connétable of St. Saviour		
Deputy L.J Farnham		Deputy G.P. Southern		
Deputy H.M. Miles		Deputy M. Tadier		
Deputy M.R. Scott		Deputy L.M.C. Doublet		
Deputy R.E. Binet		Deputy M.R. Le Hegarat		
Deputy M.E. Millar		Deputy S.M. Ahier		
Deputy A. Howell		Deputy R.J. Ward		
Deputy T.J.A. Binet		Deputy C.S. Alves		

Deputy M.R. Ferey		Deputy I. Gardiner		
		Deputy K.L. Moore		
		Deputy S.Y. Mézec		
		Deputy P.M. Bailhache		
		Deputy T.A. Coles		
		Deputy B.B.S.V.M. Porée		
		Deputy D.J. Warr		
		Deputy J. Renouf		
		Deputy C.D. Curtis		
		Deputy L.V. Feltham		
		Deputy H.L. Jeune		
		Deputy R.S. Kovacs		
		Deputy A.F. Curtis		
		Deputy B. Ward		
		Deputy K.M. Wilson		
		Deputy L.K.F Stephenson		
		Deputy M.B. Andrews		

**The Greffier of the States:**

Those voting pour: the Connétables of Trinity, St. Clement and St. Mary, Deputies Labey, Luce, Gorst, Farnham, Miles, Scott, Rose Binet, Millar, Howell, Tom Binet and Ferey. Those voting contre: the Connétables of St. John, Grouville, St. Ouen, St. Saviour, Deputies Southern, Tadier, Doublet, Le Hegarat, Ahier, Ward, Alves, Gardiner, Moore, Mézec, Bailhache, Coles, Porée, Warr, Renouf, Feltham, Jeune, Kovacs, Alex Curtis, Barbara Ward, Wilson, Stephenson and Andrews, Deputy Catherine Curtis online and the Connétable of St. Martin abstained.

**2. Draft Financial Services (Disclosure and Provision of Information) (Amendment) (Jersey) Regulations 202- (P.79/2023)**

**The Bailiff:**

The next item is the Draft Financial Services (Disclosure and Provision of Information) Regulations lodged by the Chief Minister. The main responder is the chair of the Economic and International Affairs Scrutiny Panel and I ask the Greffier to read the citation.

**The Greffier of the States:**

Draft Financial Services (Disclosure and Provision of Information) (Amendment) (Jersey) Regulations 202-. The States make these regulations under Articles 7(1)(b) of the Financial Services (Disclosure and Provision of Information) (Jersey) Law 2020.

**Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter (The Chief Minister\_ :**

Sir, Deputy Millar is the rapporteur.

**2.1 Deputy E. Millar of St. John, St. Lawrence and Trinity (Assistant Chief Minister - rapporteur):**

After that, I hope this will be less controversial and less time-consuming. All entities, such as companies, registered with the registry which is housed within the Jersey Financial Services Commission are required to submit an annual confirmation statement to the F.S.C. (Financial Services Commission). The annual confirmation statement was introduced in legislation in 2020

and essentially replaced the former annual return process. The annual confirmation statement must be submitted during a period running from 1st January to the end of February each year. A single fee is payable by affected entities to the F.S.C. with the submission of an annual confirmation statement. Following receipt the fee is then divided into 2 parts. One part of the fee is retained by the F.S.C. and the other part is effectively collected by it on behalf of government and paid over to government. This was also the case in relation to the annual return. The F.S.C. has consulted on increasing the annual confirmation fee in line with inflation. This includes a proposed increase to the government element of the fee. The consultation closed last week and there were only 2 responses which do not relate directly to the matter of the fee so I will not discuss that unless people would like me to do that later. It is important to clarify that the fee increase will not apply to local entities such as local trading businesses, which are largely self-administered. This is intended to avoid those businesses facing an additional cost burden. The increase applies only to those entities administered by a trust company business or fund services businesses, many of which are less likely to be locally owned. It will not, however, apply to businesses that are provided with only a Class O trust company business. A Class O trust company business is a regulated activity overseen by the commission and this business includes the provision of company secretarial services to locally-owned companies. We do appreciate that there are local companies who may have professional bodies providing company secretarial services to them to assist with routine company administration, so we tried to make sure that those companies are also excluded from the fee increase. The draft regulations provide an increase to the government element of the annual confirmation fee. If I could look to the specific amendments in summary the proposition increases the government element of the annual confirmation fee in line with inflation from £145 to £175. It sets out that the increase applies only to entities administered by a trust and company service provider or fund services provider and they also clarify that the provision of only one class of Class O business under the financial services legislation does not constitute being administered. The regulations if adopted will come into force on 1st January 2024 and this coincides with the 2024 filing period for the annual confirmation statement. I move the principles.

[14:30]

**The Bailiff:**

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? Those in favour of adopting the principles kindly show. Those against? The principles are adopted. Deputy Scott, does your panel wish to call this in?

**Deputy M.R. Scott (Chair, Economic and International Affairs Scrutiny Panel):**

No, Sir.

**The Bailiff:**

How do you wish to deal with the matter in Second Reading?

**2.2 Deputy E. Millar:**

Sir, if the regulations could be taken *en bloc* please.

**The Bailiff:**

Yes. Are they seconded in Second Reading? **[Seconded]** Does any Member wish to speak on the regulations in Second Reading? Those in favour of adopting kindly show. Those against? The regulations are adopted in Second Reading. Do you propose in Third Reading?

**Deputy E. Millar:**

Yes, please, Sir.

**The Bailiff:**

Are they seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? Those in favour of adopting in Third Reading kindly show. The appel is called for. I invite Members to return to their seats, and the vote is in Third Reading for the regulations and I ask the Greffier to open the voting. If Members have had the opportunity of casting their vote then I ask the Greffier to close the voting. The regulations are adopted in Third Reading: 45 votes pour, no votes contre, no abstentions.

<b>POUR: 45</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Connétable of St. Helier				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B.S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				

Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F Stephenson				
Deputy M.B. Andrews				

### **3. Draft Limited Partnerships (Annual Additional Charge) (Amendment) (Jersey) Regulations 202- (P.80/2023)**

#### **The Bailiff:**

The next item of business is the Draft Limited Partnerships (Annual Additional Charge) (Amendment) (Jersey) Regulations and the main responder is the Chair of the Economic and International Affairs panel and I ask the Greffier to read the citation.

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

Draft Limited Partnerships (Annual Additional Charge) (Amendment) (Jersey) Regulations 202-. The States make these regulations under Article 30A of the Limited Partnerships (Jersey) Law 1994.

#### **Deputy K.L. Moore (The Chief Minister):**

Again, Deputy Millar is the rapporteur, Sir.

#### **The Bailiff:**

Thank you very much, Minister.

#### **3.1 Deputy E. Millar (Assistant Chief Minister - rapporteur):**

These regulations replicate the regulations that we have just considered and adopted. The difference with these regulations is that they apply to a specific type of legal structure registered with the F.S.C.'s registry, and that is the limited partnership. Limited partnerships are not within the scope of the Financial Services (Disclosure and Provision of Information) (Jersey) Regulations, which we have just considered. Limited partnerships are however subject to the same requirement to file an annual confirmation statement and pay an annual fee and within the same time period. Similarly, the fee comprises a part that is retained by the commission and a part which is retained by government. Again, the increase will not apply to local limited partnerships such as local trading businesses and the same exemption set out applies for those which are provided with Class O trust company business for their routine administration. The regulations also propose the same increase to the government element of the annual fee and have also been subject to the same consultation. In brief, again the government element of the fee is increasing from £145 to £175 but not for local entities and not for those which benefit from Class O services only and the regulations also will come into play on 1st January 2024. That was a bit of a whistlestop, but I move the regulation.

#### **The Bailiff:**

In principle, is the regulation seconded? **[Seconded]** Does your panel wish to call this in?

**Deputy M.R. Scott (Chair, Economic and International Affairs Scrutiny Panel):**

No, Sir.

**The Bailiff:**

How do you deal with them in Second Reading?

**Deputy E. Millar:**

*En bloc*, please, Sir.

**The Bailiff:**

Are they seconded in Second Reading? Oh, have we not voted on them? I beg your pardon. Sometimes you lose concentration and it whooshes right past you. Very well. Those in favour of adopting the principles kindly show. Those against? The principles are adopted. I am assuming, Deputy Scott, your decision not to call the matter in remains the same. Do you propose *en bloc* in Second Reading? Are they seconded in Second Reading? **[Seconded]** Does any Member wish to speak in Second Reading? All those in favour of adopting in Second Reading kindly show. Those against? Do you propose in Third Reading?

**3.2 Deputy E. Millar:**

Yes, please, Sir.

**The Bailiff:**

Are they seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? Those in favour of adopting the proposal ... the appel is called for. I invite Members to return to their seats. The vote is in the Third Reading for the regulations, P.80 and I ask the Greffier to open the voting. If Members have had the opportunity of casting their votes then I ask the Greffier to close the voting. The regulations are adopted in Third Reading: 45 votes pour, no votes contre and no abstentions.

<b>POUR: 45</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Connétable of St. Helier				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				



Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B.S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F Stephenson				
Deputy M.B. Andrews				

#### **4. Draft Children (Convention Rights) (Commencement) (Jersey) Act 202- (P.81/2023)**

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

The next item is the Draft Children (Convention Rights) (Commencement) (Jersey) Act 202- lodged by the Minister for Children and Education and the main respondent is the chair of the Children, Education and Home Affairs Scrutiny Panel and I ask the Greffier to read the citation.

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

The Draft Children (Convention Rights) (Commencement) (Jersey) Act 202-. The States make this Act under Article 16(3) of the Children (Convention Rights) (Jersey) Law 2022.

##### **Deputy I. Gardiner (The Minister for Children and Education):**

My Assistant Minister, Deputy Doublet, has delegated responsibility for children's rights and will be presenting the Draft Children (Convention Rights) (Commencement) (Jersey) Act lodged 2022.

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

Thank you very much, Minister.

#### **4.1 Deputy L.M.C. Doublet (Assistant Minister for Children and Education - rapporteur):**

In 2014 the U.K.'s ratification of the United Nations Convention on the Rights of the Child, known as the U.N.C.R.C., was extended to Jersey and we became part of the U.K. state party for the purposes of the U.N.C.R.C. Since 2014 we have been on a journey to progressively realise children's human rights here in the Island. Many Members will remember the independent Jersey Care Inquiry of 2017 and that was a stark reminder that Jersey has not always acted in the best interests of children. At the time I was a Back-Bench Member and during the in-committee debate on the Jersey Care Inquiry I wanted to do something that would leave a lasting impact and I decided to bring a proposition to ensure that children's rights were considered when draft laws were lodged. That proposition, P.63/2017 also asked the Chief Minister at the time to look at the desirability of incorporating the U.N.C.R.C. into Jersey legislation. The Assembly unanimously accepted this proposition and in 2018 the then Council of Ministers decided on an incremental approach to incorporation of the U.N.C.R.C. into Jersey law. I am hugely grateful to those previous leaders of this Assembly and some of them are in the Chamber today, Deputy Mézec in particular as a previous Minister for Children and some who are not in the Chamber today, former Senator Vallois and others, for keeping the focus on this policy area during that time. The decision was to begin with indirect incorporation, which introduces an obligation to consider children's rights in policy development and decision making and this is known as a due regard duty. As Members will know, the Children (Convention Rights) (Jersey) Law was unanimously adopted by the States Assembly in March 2022, as amended by the previous Scrutiny Panel under the chairmanship of Deputy Rob Ward. The principal aim of the law is to embed consideration of children's rights whenever we are making decisions or developing new policies and laws. This will ensure that we act in children's best interests. It is very much a cultural change, which starts with us as Ministers and elected Members of the States Assembly. As well as Members, this law also extends to Assembly bodies, to government departments and in due course will also apply to named public authorities throughout the Island. As such, the law will be enacted in 2 distinct phases to ensure the right level of support for all parties during the implementation. The first phase beginning on 1st January 2024 if this commencement Act is approved today, will apply to Ministers, elected Members and States Assembly bodies. A States Assembly body is any entity that is able to lodge a proposition, so this covers P.A.C. (Public Accounts Committee), S.E.B. (States Employment Board) and Scrutiny Panels. You will hear these referred to as duty bearers under the law. The second phase will be enacted in late 2024 and this will see the law extended to public authorities, the fourth and final category of duty bearers. This law is a fundamental step towards ensuring Government and practitioners consider the rights of children and young people in Jersey when making decisions. The due regard duty to which we will all be subject from January 2024 introduces C.R.I.A.s (Child Rights Impact Assessment) which are mandatory in certain circumstances. Jersey leads the way in this respect and I am really proud to be part of an Assembly that is leading the way internationally. We are the first part of the U.K. state party to legally require completion of C.R.I.A.s. This will provide clear evidence to local and U.N. (United Nations) committees on how children's rights are routinely considered by duty bearers. The overarching aim throughout has been to make compliance with the convention rights law an efficient and proportionate process. It must not be a superficial tick-box exercise, nor must it lead to disproportionate bureaucracy for members. For example, it is important that we listen to children's voices but it would not be appropriate to try to consult directly with children on every proposition that comes to the Assembly. To this end, officers have developed a resource bank which brings together publicly available reports which reflect children's voices and an online template to help with the preparation of a C.R.I.A. We will also be publishing statutory guidance called the children's rights scheme as required by the law, which will be a valuable resource for duty bearers. I know that support is available from the Members' resources team in the Greffe and an e-learning module will be available to all Members and officers. I would just like to take this opportunity to thank officers both in government and in the Greffe who have worked on the law itself but also have already been

working within the Greffe to assist Members. Indeed, I can see many Members here today who have been trailblazers alongside the Greffe staff who have been working on those resources and assisting and who have already been completing C.R.I.A.s. We are getting better at listening to children's voices, to amplifying their voices and ensuring their rights are upheld. Some of the recent things that we have as an Assembly managed to do were the new P.S.H.E. (Personal, Social, Health Education) curriculum is being developed directly from the recommendations of the Youth Parliament. Recently we had the violence against women and girls consultation and 1,800 young people contributed to that. I could go on, but I will move on. Enacting the Children (Convention Rights) (Jersey) Law will be another significant milestone and indeed the Assembly's progress in this respect has been recognised by the U.N. and one of the visitors from the U.N. spoke to Members on a recent training event and I think we should all take note of the fact that congratulations from the U.N. have been forthcoming. Finally, last week I attended a meeting on World Children's Day where members of the Jersey Youth Parliament and the Children's Commissioner's Youth Advisory Group were celebrating. This World Children's Day is celebrated on 20th November every year and marks the date of the declaration of the U.N.C.R.C. in 1989. The young people that I spoke with were really excited about the impending enactment of this law, and what it means for children in Jersey. During our conversations they told me how they felt that they were listened to by the adults in their schools and that they felt they could speak up.

[14:45]

They asked me to take away the following message to share with you here in the Assembly as they considered this proposition and I will read it word for word: "Dear Members of the States Assembly. We, members of the Jersey Youth Parliament and representatives from the Children's Commissioner's Youth Advisory Group, want to express our support for the proposition of the children's convention law and we really hope that it will be implemented from January 2024. We believe it is important for our rights to be considered formally and this will provide a framework for our needs to be heard and not forgotten. By implementing a Children's Rights Impact Assessment it will officially prove that the Government have considered our rights and not simply said they have. We believe that having an impact assessment will help the Government prioritise. For instance, Storm Ciarán caused so much damage on the Island including to our parks. Opening the parks, however, seem an afterthought and low down on the priorities. Our right to play should be considered and this should be pushed up the priority list. We hope that we will become a priority rather than an afterthought. This implementation will hopefully create a better community and society where everyone's rights are considered. Having a Children's Rights Impact Assessment will instil a natural standard and benchmark for everyone to use. It will create a better society where young people feel valued and heard. In 20 years' time the young people who grow up in a society where their rights were prioritised will make a significant impact as they will become the next generation of leaders who know how to treat others. It will create a trickle-down effect and make Jersey a more appealing place to live. We believe that if you don't know something, a problem or an issue, you won't find a solution to it. This law will help the Government to identify problems and create solutions. By implementing a Children's Rights Impact Assessment it could create a big impact for L.G.B.T.Q.+ (lesbian, gay, bisexual, transgender and queer) and marginalised members of the community, making these young people a necessary consideration in the decision-making process. In conclusion, we want to know if you oppose the proposition and why. We believe that every child's voice matters and by considering our rights it will create a better future for all. Thank you for your time and your consideration. From the Jersey Youth Parliament." As we start to embed the practice of considering children's rights and it becomes a normal part of our decision-making process I have no doubt that it will add value and ultimately ensure that we act in the best interests of all children in Jersey. I ask Members to support this commencement Act which will bring the Children (Convention Rights) (Jersey) Law into force from January 2024 for Ministers, elected Members and States Assembly bodies. Sir, I propose the principles.

## **The Bailiff:**

In fact it is a single proposition, Deputy, so there is just the one vote. There are no principles involved. It is a simple Act, however is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition?

### **4.1.1 Deputy S.Y. Mézec:**

Can I thank the proposer of this proposition for her acknowledgment in her opening remarks and could I of course also acknowledge the important role that she played in getting the ball rolling with this? **[Approbation]** I have to say that the proposition she brought to originally do this was done in very short order after the Jersey Care Inquiry came out, but it ended up being timed so perfectly that it enabled the dominoes to keep falling afterwards, so it is very satisfying to be in a position now to hopefully approve the commencement date for this law. The Assistant Minister has explained how this will work in practice and the model of adoption of the U.N.C.R.C. that is proposed in this, which is the due regard model, and I want to take the opportunity to say how supportive I am of that model and that principle now, but I hope it is not the end. We have seen recently Scotland making the decision to go for the full incorporation of the U.N.C.R.C. into Scottish law. To try to explain what that means the due regard model, which requires public authorities to have regard for the U.N.C.R.C. in everything they do and require that proactive approach on children's rights, is one thing and very important, but the full and direct incorporation of a document like that into law then opens up rights of appeal in the courts for when rights are not satisfied or provided for, for children, and it also provides the ability for a court to issue a declaration of incompatibility on domestic legislation if they find when they measure it against the U.N.C.R.C. that it is not compatible and then that forces the Government and Parliament to go back and work on fixing that, so it provides extra routes to ensure that the U.N.C.R.C. is lived up to in Jersey law. That is what we already have with the European Convention on Human Rights and which we have had for over 2 decades now, and it is a fundamental part of how our legal system works here. So while I am extremely pleased that this is happening or hopefully will once we have voted on it, and think it is a really positive step in the right direction, I hope as soon as possible once it has been adopted that we can then start the conversation on part 2, which is the direct incorporation of the U.N.C.R.C. into Jersey law. When we were in the early stages of preparing law drafting instructions for the original law on this, and that happened at the time when I was in office, I did strongly suggest to my colleagues at the time that my preferred option was the direct incorporation and we took a more conservative approach on it, which I thought was better than nothing. But I wanted to be more direct on it and so I hope that when we see what a success this is inevitably going to be that we will be brave enough to go to the next step sooner rather than later. In the meantime I absolutely commend this as the way forward.

### **4.1.2 Deputy M. Tadier:**

I think Deputy Mézec put it well but the first point otherwise to make is to thank Deputy Doublet for bringing this forward. I know it is clearly something that has always been very close to her heart and it is good to see the work that she has started previously now being implemented by her in a Ministerial capacity. I suppose the thing that leaped out from the page to me, and I am sorry if the question has been partly answered already, but it is the line which says: "will bring certain provisions of the Children (Convention Rights) (Jersey) Law 2022 (the "Law") into force on 1st January 2024." Is it the intention then to actually implement the whole of the convention rights to Jersey and if so will she clarify what the intention is and when that will be done by, so we are implementing part of the law here? I was interested by Deputy Mézec's comments. So the way I understand it then is that if, for example, somebody wants to bring a judicial review as an example following a piece of legislation that they think may not have fully taken into consideration the rights of the child, is that something that will be possible after today or in the future? Is that something that is envisaged? So somebody, either a child themselves or somebody representing a child or children could say: "We think that this law that has been brought in since this date has not fully taken into consideration

children's rights and therefore we would like to challenge the legitimacy of it." Is this something that could happen now or in the future? I will stop short of asking the Solicitor General that question, but if he wants to pop up of course he can and if the Assistant Minister wants to answer that she can. I would be interested though to see how this works on a day-to-day basis in the Assembly. I thought the presentation that the Deputy facilitated with the Greffe for States Members was very useful in clarifying exactly what it means, because it could have been quite scary initially to think that there might have been quite an onerous burden on Members current and in the future, but I think it was explained very clearly what is expected and what the purpose of it is, to get that balance between the tick-box exercise on the one hand, which we would not want simply to have that, but also to know that it would be proportionate to the resources that we may have, in particular just as Back-Benchers. I would also be looking out for how it works in practice because let us take for example a proposition is lodged by a Back-Bencher, and it could be to do with a park, it could be to do with a park that might be extended, it could be to do with a park that is not extended but might provide space for a school. Of course, we could find the situation where the C.R.I.A., a bit like the financial and manpower implications, could be used as a political football. You might say: "This is a great proposition because it helps children and if you do not vote for this proposition children are going to be worse off" and then of course the opponents of that proposition, who might be doing it for completely legitimate and valid reasons, may also think that it has converse implications for children. Therefore, you get the arguments being made about should we be doing this because it is best for the children, and which option is best for the children. Clearly, I am sure that would just be taken as one consideration among many, as is normally the case when we have these kinds of debates. But it does also beg the question about the principle of nothing about us without us, so I was very pleased to hear directly from the Youth Parliament and the challenge they set out for us, and I hope today that there is going to be no one voting against this. I think the way that we interact with young people is going to be quite crucial, especially under-16 year-olds who do not yet have the vote. How do we know what young people want? Is there going to be access for States Members including those who are not in Government to be able to easily set up surveys, to have forums where we can access young people to hear directly from them? We know that we can do that of course by attending the Youth Assembly, the Youth Parliament, but again that is partly self-selecting and I think it is important that we have mechanisms where we can all have equal access to be able to go to visit schools, youth clubs and get those invites perhaps on a level playing field basis. If we can hear directly from young people that is the only way we can feed back their opinions and of course the opinions may not be homogenous as they are no more a homogenous group than any other sector of our community. The last point I would like to give consideration to in this, and it may not seem directly relevant, is that I think there is a great opportunity for work here in the bigger piece of work about the intergenerational connectedness that is not an issue that solely affects Jersey, but how we make sure that the generations are connected and that the ideas feed into each other. At some point in the future I think it would be very helpful if we did not just have a Youth Assembly but we had an Assembly of the third age, because I think it would be great for youngsters to come and watch retired ... incidentally in the past I would never have made this suggestion because we had an Assembly of the third age. It was just called the States Assembly, but nowadays we find ourselves increasingly in a more middle-aged Assembly and it is important that we do hear from the young people of course on the one hand, so the C.R.I.A. and all this is very important but similarly I think the intergenerational wisdom can work in all directions. That is something I would encourage the Minister to keep working on.

#### **4.1.3 Deputy I. Gardiner:**

The Commencement Act which I supported back in March 2022 for all of us is the really crucial step in translating our commitment into tangible legal action. This Act marks the official start of the implementation process, ensuring that the principles of the U.N.C.R.C. are integrated in our Jersey legal framework and I heard Deputy Mézec rightly say it is the start. I am grateful for my Assistant Minister, Deputy Doublet, in thinking about the journey that the Deputy started back in 2017 as a

Back-Bencher proposition and today bringing the commencement Act. It is a journey of 6 years, a commendable commitment. I joined the Assembly in 2019 and I remember Deputy Mézec - Senator Mézec, the Minister for Children - was advocating and working on it. Deputy Ward, Senator Vallois, Deputy Jeremy Maçon, most of the Assembly really stood behind it and this Assembly today hopefully will vote for it and we will start full implementation. It has been mentioned by Deputy Doublet that it is a cultural change and all of us need to be part of this cultural change for it to happen. The cultural change means it is step-by-step. We are at the beginning of the journey but it is definitely not the end of the journey. It brings hope for our children or the young citizens. Think about anything that we do around education, healthcare, economic growth, protection from abuse, ensuring a safe and supportive environment and general participation. All these decisions that we make impact on how the Island will look in the future. This is why, for me, it is extremely important.

[15:00]

Some of you were present at the briefing before we launched the Commencement Act and some of you met with Dragan Astic from U.N.I.C.E.F. (United Nations Children's Fund) and, for the people who were not there, I would like to read out what he told us about Jersey: "The U.K. ratification of the convention and its 2 optional protocols was extended to Jersey in 2014 and since then Jersey has not just shown a real commitment to all children in the Island, but has achieved significant progress in implementation of the convention. This has been noted by the U.N. Committee during the latest reporting cycle for the U.K. that ended in June this year. This was the first time Jersey was examined by the U.N. Committee and in its concluding observation the U.N. Committee welcomed your various measures of implementation including the provision of corporal punishment [that is my comment by Deputy Le Hegarat] and establishment of the Office of the Children's Commissioner." We have received international recognition on our journey that started in 2017 and we need to be congratulated for this. I urge every one of you, consider the profound impact of our decision on the life of the children across the Island. Let us all come together and embrace U.N.C.R.C. not just as an internal obligation but as a testament to our dedication for a brighter future for all.

#### **4.1.4 Deputy R.J. Ward:**

I just want to mention a couple of things as I fully support this and I have produced C.R.I.A.s, and I might even be the first one. I would like to thank the staff in the Greffe who helped me do that for the first time. It was really new and they did an enormous amount of work and I will not name the person because it would embarrass that person but they certainly helped out. There are a couple of things I would like to mention. Key to this is the role of the Children's Commissioner, and I want to say publicly that we need to ensure that the Children's Commissioner's role is kept entirely independent, because part of that role is to hold truth to power. Whenever you set up an independent commissioner to look at what you are doing you might not like what you hear but you have to listen, and that is an absolutely vital part of what we are doing. There should be no interference in the Children's Commissioner role and that Children's Commissioner should be an advocate for children on this Island. It was a very important part of the Jersey Care Inquiry as well, and we must not lose sight of that. I want to take this opportunity to say that publicly. I think there are also areas in which we need to look very carefully if we are going to be serious about children's rights and the U.N.C.R.C. because there are many parts of that convention that state what rights children have in the way that their lives are experienced. Part of those is to do with where they live and what sort of conditions they live in, minimum conditions, minimum access to a standard of living, to education and so on, and we have a long way to go, because of the inequality on this Island, to address those issues. That is an area that needs to be addressed if we are genuinely going to say that we are very interested in children's rights. There are tangible actions that have to be taken to act on children's rights. They are not just something we put on a piece of paper, but it is their lives that we are talking about. If we are genuinely all going to act as a corporate parent we need to ask one simple question at the

beginning: what would we do for our own children? If that is what comes from this and if that is promoted by that I think we will be a better Island and it will be a better place for children.

#### **4.1.5 Connétable M.K. Jackson of St. Brelade:**

At the risk of being cast as a pariah, I just want to flag up a couple of points on which I think the Assembly needs to take care. I have children, I have grandchildren, and I have full respect for their rights and would always do so, but I look at this, and this may apply to a degree to the second part of the proposition, which will come in due course. The implications on the Parishes concerns me and particularly the last part where it mentions in terms of financial and staff implications that they will be met within existing business as usual resources. Now, I do not see that being the case and we need to know what the cost implications may be in the future, so that due provision can be made. They may be significant. Many of the Parishes have play parks, for instance, which we are very keen on, I have to say, to make best use of for the children of our Parishes. I would urge the Minister to consider in the next iteration how that might be dealt with and be absolutely clear what the costs may end up being. I think with regard to this particular element there will be ongoing costs. We just know that in the future it will be said when something comes up: “Oh, well, we have signed up to this particular convention so we have to do it so that is the cost” and it is something we easily get stuck with. I question is it more red tape, unnecessary red tape, which we could perhaps do without? I will probably support the proposition but I just counsel care.

#### **4.1.6 Deputy P.M. Bailhache:**

To have due regard to the Convention on Children’s Rights is absolutely a minimum requirement and I am quite sure that no one can reasonably object to that. The only slight concern that I have, and I wonder if the Assistant Minister might address this when she replies, is in relation to the bureaucracy that might follow from this obligation. For example, does every proposition that is lodged before this Assembly require a Children’s Rights Impact Assessment? If it does, would it be sufficient for the proposer of the proposition to state: “There are no impacts on children’s rights in relation to this proposition.” Or is one going to have to go much further than that and explain why there are no impacts upon children, which could lead to some very long reports and a great deal of civil service work in relation to the implementation of this obligation. For example, I recently lodged the Planning and Building (Amendment No. 8) (Repeal) Law in relation to a paragraph of the Planning and Building (Jersey) Law and trees. Is that going to require a Children’s Rights Impact Assessment? On the face of it, it seems to me that it has absolutely no impacts upon children as children. It may have impacts upon children as members of the human race, but that is a different issue, and I would be grateful if the Assistant Minister could provide some clarification.

#### **The Bailiff:**

Thank you very much, Deputy. Does any other Member wish to speak on the proposition? If no other Member wishes to speak then I close the debate and call upon Deputy Doublet to respond.

#### **4.1.7 Deputy L.M.C. Doublet:**

Thank you to everybody who has spoken either in support or raising some questions. I am going to address Members’ comments in reverse order, because I would like to address Deputy Bailhache’s question. In the law there is a schedule 2 that lists all of the exemptions, and there are several exemptions that have been put into the law and were scrutinised by the previous Scrutiny Panel. I think if your proposition is of a nature where it will not have much of a bearing on children’s lives your C.R.I.A. will be a statement saying that you have considered the impact on children’s rights and you find that it will not have a bearing on them, positive or negative, and this is the reason why. That is sufficient for a C.R.I.A., if in fact when you go through the process of looking at the U.N.C.R.C. it does not impact on children. I am pleased that the Deputy has raised trees, because I recall as quite a new Member and in somewhat of a minority, being a younger Member, a woman, and a primary

school teacher, and we were debating something that was going to involve building on some land which I knew to be somewhere where children played. I stood up in the Assembly and the context of that is I had come from Grouville School, which has been a trailblazer in implementing the Rights Respecting Schools Award, and I questioned the Assembly on whether we should be using this land to provide play spaces for children. Since then several progressive moves have been made by this Assembly and not least by myself and my colleague, Deputy Gardiner, to encourage more access to trees by children, who have a right to play. One of the Articles of the U.N.C.R.C. is that children have a right to play and indeed the Deputy will have been listening to the words from the Youth Parliament, and they specifically picked out their feeling that the parks should be prioritised. Of course in parks we have natural play spaces and children can be surrounded by trees and it is necessary for their development as human beings that they have access to this natural play space. I am also delighted to be working with Deputy Stephenson on a play strategy and central to that play strategy is the requirement that we prioritise natural play spaces. This demonstrates to me the very reason why we need this cultural change, because while we all have our areas of expertise and there are those of us who are extremely passionate about children and whose sole purpose has been to help children in the Island there are others who have equally as valuable expertise in other areas and we need to make sure that we share expertise with each other. The message I think from this law is that children must be considered whatever our area of work. Whatever our area of expertise is we must consider children. I thank the Deputy for allowing me to elaborate on that point. I will refer to the Constable of St. Brelade's comments. I wanted to highlight his concerns about costs, which I hear, and I think the reason why I had decided to bring this in 2 phases is that I am aware that there would be more support required. That support will be forthcoming not just from officers on-Island but the United Nations have committed to supporting us through this process, and also when we are spending any money towards children having a brighter future, to me that is an investment; it is not a cost. I have faith that the Parishes will take on board that support that is being offered and fully realise this law. Deputy Rob Ward asked about the standard of living for children and I think he was referring to perhaps the natural environment and housing inequality. Another law that has recently been passed by the Assembly was the Children and Young People (Jersey) Law and from that law we have established a Children's Outcome Executive Committee and the meetings of that committee that I have attended are attended by corporate parenting. Corporate parents is another element of this culture change. It is separate to this law but the corporate parenting principle is another law that applies to those with responsibilities, such as Ministers. Indeed, the Minister for Housing and Communities is on the Children's Outcome Executive Committee so I would expect that the Minister for Housing and Communities is going to be fully taking part in that committee and considering children as he is doing so, and in his work that he will be considering how he can improve that inequality and that standard of living for children in the Island. I have faith that he is and will be doing that. The previous speaker to Deputy Rob Ward was Deputy Tadier and I thank the Deputy for his speech. He wanted to clarify something about the commencement. He asked about certain provisions, that is the 2-phase process whereby we as duty bearers as the States Assembly are going to be trailblazing this and going first and then the public authorities will come next. That will be by the end of next year, so it is a phased process. I am not sure if the S.G. (Solicitor General) has anything to add. I do feel that I can address the points that the Deputy has made, so I will do my best and if the Deputy feels it has not been covered then I am happy to call on the S.G. Could the Deputy remind me of his question, sorry?

**Deputy M. Tadier:**

It is really to find out, for example, if there were a legal case brought, and it could be a judicial review, where a party thought that a law was deficient because it had not sufficiently taken into account children's rights, could that then be brought and what would the implications be?



**Deputy L.M.C. Doublet:**

I thank the Member for clarifying. I recall when we were discussing this question during the gathering that we had and training talking about this law that this question was raised and I believe that the Greffier at the time said the consequences will be political ones.

[15:15]

I think that is the first way that we have of holding each other to account, that if a Member brings a proposition that does not have a C.R.I.A. then we might be minded to refer it back, to ask for a reference back until a C.R.I.A. has been completed. In fact a judicial review can be brought so even if as an Assembly we collectively passed something that did not have a C.R.I.A. then a judicial review can be brought to hold the Assembly to account in that fashion. I hope that answers the Member's question. In terms of culture change, what we need to do is ourselves, each individual Member, fully commit to this. I think rather than envisage how we are going to beat each other with sticks if it does not go to plan what I would like to see, and I do have high hopes for this Assembly, I do have high aspirations, I think if we can all genuinely commit to this I do think that it will just become part of our culture, in the same way that the financial and workforce statement is just something that we complete when we do our propositions.

**Deputy M. Tadier:**

Sir, can I interrupt the Deputy?

**Deputy L.M.C. Doublet:**

Yes, I will give way.

**Deputy M. Tadier:**

It may well be helpful to invite the Solicitor General to answer that question. It may be that my question is a naive one and in fact this is not to do with what I have talked about and that there is always a provision to bring a judicial review, which is not linked to this. My question is really about how this particular Act that we are passing today might impact on those set of circumstances, so if I could call for the Solicitor General.

**The Bailiff:**

Solicitor General, are you able to assist as to whether if there is thought to be some kind of failure in the application or the due consideration being given to children's rights in a piece of legislation, and it is not said whether it is primary or secondary legislation, it could be dealt with by a court under a judicial review?

**Mr. M. Jowitt., H.M. Solicitor General:**

I think the Deputy's first question was whether one could judicially review legislation. The answer, in my view, is not on judicial reviews a public law decision that is made pursuant to regulation. I do not give a definitive answer. I have never yet come across a situation in which a legislative Assembly found itself susceptible to judicial review because, for example, in this instance it had not or one of its Members had not done an impact report as part of a legislative process. Never say never. J.R. (judicial review) is notoriously unfinished in terms of its jurisprudence but it seems to me rather farfetched at the moment at least. I hope that is helpful.

**Deputy M. Tadier:**

That is helpful and I suppose the other point is that these C.R.I.A.s relate not just to legislation but to any proposition that a Member brings forward. If the States passed a policy decision or another decision that was not legislation-based but could just be to build a park here or to do this or that, and then that was subject to a judicial review because the party bringing it thought that due consideration

had not been given in the Assembly, so it could be, for example, that that proposal is brought forward, there is not a majority and that there is a majority to pass it despite the objections and then is it possible for that kind of decision to be judicially reviewed on the basis of what we are passing today? Sorry if that is a garbled question.

**The Solicitor General:**

As I say, I am not confident that courts judicially review legislative decision making of the sort that you are concerned with here. It would seem to me to be something of a radical departure.

**Deputy L.M.C. Doublet:**

I am not sure where we stand on that, because I have advice to the contrary but I can go back to officers and try to get some more information to the Deputy. Deputy Tadier also asked about the way that we interact with children, and I completely agree with him that the way that we are listening to children we need to build on the good practice that has started. Indeed, before I left the Back Benches I had initiated some work in Scrutiny to have children’s consulting groups, so I think the groundwork for that is there and I would really encourage Scrutiny to continue with that. Within Government we have implemented the participation standards and we are currently revitalising the school council processes. I think there is probably no reason why Members across the Assembly could not access and take part in those school council sessions. The aim is for those to be really meaningful and for us to feed back to the children, those younger children who are not yet old enough for the Youth Parliament, how their ideas that they have raised during the school council sessions can be inputted into our policy decisions and to give them a genuine chance to do so. Finally, Deputy Mézec, I thank him for his speech and his passion and energy for the full incorporation of the U.N.C.R.C. I can really empathise with because that was the original intent of my original proposition. I have got high hopes for this Assembly and high aspirations, and I think that is something that Jersey may get to at some point. Given that there are still some concerns and culture changes to be made, I would like to see this change fully embedded but in the future that is something that I hope we can collectively work towards. I call for the appel.

**The Bailiff:**

The appel is called for. I invite Members to return to their seats. The vote is on the Draft Children (Convention Rights) (Commencement) (Jersey) Act and I ask the Greffier to open the voting. If Members have had the opportunity of casting their votes then I ask the Greffier to close the voting. The Act has been adopted: 44 votes pour, no votes contre, no abstentions.

<b>POUR: 44</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Connétable of St. Helier				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G..P. Southern				

Deputy C.F. Labey				
Deputy M. Tadier				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B.S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F Stephenson				
Deputy M.B. Andrews				

## **5. Draft Planning and Building (Conservation Areas) (Jersey) Regulations 202- (P.83/2023)**

### **The Bailiff:**

The next item is the Draft Planning and Building (Conservation Areas) (Jersey) Regulations lodged by the Minister for the Environment and the main respondent is the chair of the Housing and Infrastructure Scrutiny Panel. I ask the Greffier to read the citation.

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

Draft Planning and Building (Conservation Areas) (Jersey) Regulations 202-. The States make these regulations under Article 56A(2) of the Planning and Building (Jersey) Law 2002.

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

Sir, may I just before the Minister starts declare a potential conflict of interest, in that I know the Minister is going to refer to St. Aubin. I have a Parish Hall in St. Aubin which is undergoing a planning process. I have, as Constable, roads in St. Aubin which I manage and I have a personal and private property in St. Aubin, which is in fairly archaic condition. If the Minister is handing out funds I would be very pleased to receive some. So I just want you to understand my position, Sir, if you could give guidance.

### **The Bailiff:**

I do not think it is a direct financial interest because nobody has offered you any money **[Laughter]** and that may not happen at all. I think the fact that you have declared the interest or the potential interest is probably as much as it needs to be understood.

### **5.1 Deputy J. Renouf (The Minister for the Environment):**

These draft regulations are quite simple and short but they do form part of a bundle of legal instruments that will, if approved, at long last allow conservation areas to be introduced and designated in Jersey. I therefore propose to set out a little bit of the wider context within which they were brought forward and to set out how they are proposed to sit with the other legal instruments that I propose to bring into effect. Conservation areas are areas of special architectural or historic interest that are deserving of careful management to protect and improve their character or appearance. The bridging Island Plan provides a list of initial candidate areas where designations might be made and these include, as the Constable has just said, St. Aubin, also the historic areas of St. Helier such as Havre des Pas and its medieval core, areas around the Parish churches of Grouville, St. Lawrence, St. Martin, Trinity, St. Ouen, St. Peter, St. Clement and Gorey village and the pier, and Rozel Harbour, and there may in time be other candidate areas. I have decided that even when I am able to get the necessary legal tools in place St. Aubin will be the first area of the Island considered for designation as a conservation area, although the exact boundaries of that designation will be out for consultation and are not yet determined. Any process of designation however will not start until we have all the legal provision, including these regulations, in place. A brief comment on why we need conservation areas. We already protect the Island's rich historic environment by working with Jersey Heritage to identify and designate the Island's listed buildings and places. These enjoy statutory protection which gives us extra planning controls to regulate change to them and through this to protect the historic and architectural elements which make these places special. But while we have these extra planning controls for listed buildings in place we do not influence much control over areas which might have some special architectural or historical character. The special character of places can be broader than just the quality of the individual buildings located within them. Other elements such as the historic layout of roads, paths and boundaries, characteristic building and paving materials, street furniture, trees and open spaces can all contribute to the character of a place, creating a distinct sense of place and local identity. The designation of conservation areas can provide a broader protection to the character and appearance of distinct places in the Island rather than just buildings, the listing of individual buildings. They have been around for a long time; 1967 in the

U.K. Members might be interested to know that there are something like 10,000 designated conservation areas in England, 600 in Scotland, 500 in Wales and closer to home 27 areas in Guernsey and 20 in the Isle of Man. Conservation areas were first proposed in Jersey in the 1987 Island Plan, so they have been a long time in the gestation. They were also mentioned in the 2002-2011 Island Plan and then of course in the bridging Island Plan specific proposals were adopted for the Minister to bring forward these proposals. The legal framework in a bit more detail, in order to be able to introduce conservation areas to Jersey, has been necessary to develop an appropriate legal framework of which these draft regulations form one part. The framework has 4 key components: the primary law Article 56A of the Planning and Building (Jersey) Law was amended by the States Assembly in April 2022 and that provided, among other things, the Minister with the necessary powers to designate conservation areas by order and specify activities which require planning permission in conservation areas. The change to the primary law also gave the Minister the legal power to develop a bundle of secondary legislation and I have been working to develop this bundle, parts of which the regulations before the Assembly today require the approval of the Assembly, the other elements of which are made by order by the Minister. The secondary legislation includes the Draft Planning and Building (Conservation Areas) Order. This order will set out the process for the designation of areas of architectural historical interest as conservation areas. It is yet to be made and I do not propose to make it until the Assembly has considered and approved these draft regulations. The third element concerns the General Development Order, which sets out when planning permission is required for works within conservation areas and this is currently out for consultation. Members may have seen a press release, I think it was last week, it may have been the week before. A key principle that is being adopted, by the way, in terms of those extra requirements in conservation areas, is that works will only be controlled if they are visible from a road or the foreshore. That is important because it means we will not be seeking to control works that are not publicly visible. That is an important, I think, restriction on the ability of the regulations, which I think balances the need not to be too intrusive but, nevertheless, to exert control over the things that people will be able to see in those areas. The fourth and final element of this legal bundle is provided by the draft regulations that are tabled before the Assembly now. They are very simple and straightforward and, if approved, they would provide the Minister for the Environment with the legal power to allocate funding for the purpose of protecting or improving the character or appearance of conservation areas. I note the helpful comments from the Scrutiny Panel and I am happy to commit to the consultation that they request so that they can contribute to the details of the secondary legislation. That is a relatively long speech for a relatively short set of regulations but I wanted Members to have a little bit of explanation to the context of conservation areas. I would like to propose them and urge Members to support them.

[15:30]

**The Bailiff:**

Do you propose the principles? Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles?

**5.1.1 The Connétable of St. Brelade:**

Speaking as vice-chair of the panel, I would like to draw Members' attention to the comments submitted on this proposition. I would say that the panel is generally supportive of the concept of conservation areas, as is the case in other parts of the U.K. However, we do need to point out that there are S.S.I.s, (Sites of Special Interest), there are lots of other filters that are en route. We look forward to discussing with the Minister the further details that we have pointed out and how we might make it work for Jersey without creating a raft of further bureaucracy. We will look forward to further engagement with him.

### **5.1.2 Deputy P.M. Bailhache:**

I am very supportive of the proposal that there should be conservation areas. My concern, I think, lies in the means whereby some of the controls which would apply in these conservation areas are going to be brought into effect. As the Minister has rightly said, the law provides that these controls can be implemented by order, by Ministerial Order. I note from the Minister's report that he is proposing to implement a scheme of regulation to manage works to trees in conservation areas where they have a diameter which exceeds 8 centimetres; a very, very small amount. That may be right, I do not know. It has set a little alarm bell ringing in my head, bearing in mind that the Minister withdrew his initial plans in relation to trees in general and the 8-centimetre diameter provision and substituted it with a diameter of 25 centimetres. Even that caused a great deal of anxiety and we are going to debate that in January. I wonder whether I could ask the Minister whether he would be prepared to consider placing draft orders in relation to these conservation areas into the public domain before they are made, so that the Assembly and Members of the Assembly can have the opportunity to consider any implications of them. Frankly, I doubt whether such things should be done by Ministerial Order. I think that the last Assembly made a mistake in not stating that they should be implemented by regulation, but that is all in the past. I make that request to the Minister.

### **5.1.3 Deputy K.F. Morel:**

I thank the Minister for bringing forward these regulations. I was pleased that the previous Minister accepted my amendment to the bridging Island Plan which brought this forward and designated those particular areas as conservation zones. The reason I brought that forward is because I had been speaking to members of August institutions, such as La Société Jersiaise and such as the National Trust, who had pointed out, exactly as the Minister said, that there has been a move since the 1980s to try to get these adopted. One of the key aspects of this is the funding element to it. I have spoken to people who are concerned about the upkeep of historic buildings and historic areas in Jersey and they pointed me in the direction of many towns, et cetera, which have historic hearts, where there is funding available to people because it is an incredibly expensive job to keep old buildings in the way they are meant to be, not just wind and watertight but in the character that they are meant to set off for that area. If you look at St. Helier, the heart of St. Helier itself, there are some absolutely wonderful buildings, if you look beyond the advertising on the shopfronts, and I recommend anybody do this. I hope that they do not become difficult in terms of regulation and I have a great deal of sympathy with the Environment Scrutiny Panel because we want this to be something which enhances Jersey and does not become contentious for Jersey. It is right that certain areas are maintained, a level of character. I just think of some of the village hearts, they are the areas around the churches, Parish churches, places like Rozel Harbour, et cetera, but we do not want that to be a legislative and regulatory burden for the people who live in those areas. I am heartened by the Minister's comments about it is only those areas seen from the road, seen from the front, et cetera; it is not about going in and talking about the fireplace inside or things like this. I think it is really important. The Environment Panel also bring, quite rightly, to the forefront the importance of community engagement and the success of this whole change, this adoption, quite rightly of these conservations areas will depend entirely on not just this Minister but future Ministers' willingness to engage with the communities who they affect. Experience in the United Kingdom does show this sort of regime can work really, really well and can be done in a way which is not contentious. Obviously the Ministers and their officers need to carry that out and make it, so to speak. Yes, I am very supportive of this and I really hope this protects those particular areas of our Island which have a particular character, which I think we all agree should be kept.

### **5.1.4 Deputy A. Curtis of St. Clement:**

I really only rise to speak on that grant-funding element of these regulations; they are only a short set of regulations. I am somewhat concerned that we are enabling a wide range of opportunities for the Minister, notwithstanding that I will support this. I hold a principle that, ultimately, Islanders who

own elements of the built environment have certain obligations that they must uphold. Those of us who do own land, in my case it is a listed building, sign up to certain obligations and probably purchase them at prices related to the restrictions that are on them. I do not think if my building had the same freedom of other buildings, the price I paid it would probably command at a higher value. I am always concerned about the Government being seen as a place to make grants. I think we always have a carrot, we always have a stick and we should use the 2 of them together quite wisely and really ensure Islanders have the understanding of their obligations, as well as how Government can support. I think we see that obviously, knowing we are going to recapitalise the agriculture loans fund ... I think we are going to, I hope we are. I see faces being pulled with surprise; I thought we voted on something. That of course is of loans; it will not be, I hope, of grants. The power of this Government and the choice as to how it allocates its money is it can choose both the interest rate it charges, if it charges interest, and the flexibility of those terms. I think there are many ways we can support people. The classic example is those who own, for example, windows of listed buildings and in this case we all think about conservation areas but we did speak yesterday in question time about the funds for listed buildings. Many people say they do not have the capital to replace them but I think if you offer them an interest-free loan to do so, and knowing that the Government can be a kinder lender, then there is a fair carrot and stick approach that we can take. But I think we have to be incredibly careful with the handing out of funds in the form of grants without due regard to the fact that Islanders have obligations and those fortunate often to be landowners need to accept the obligations that come with that. I am sure the Minister will not be too detailed and too prescriptive to make it so burdensome that most landowners cannot comply.

#### **5.1.5 Deputy T.A. Coles of St. Helier South:**

I am only rising following the comments there from Deputy Curtis with his carrot and stick approach. It draws my attention to policy HE4 of the bridging Island Plan, the demolition and conservation areas. Because it talks about: "A demolition of a building or structure in the conservation area will only be supported where it can be demonstrated that it is not practically feasible to repair or reuse an existing building or structure." Obviously we are talking about issuing grants and things from Government. Maybe this might be some people's excuse to have a protected building or a building within a conservation area to qualify for demolition. I am just intrigued. It is not that I do not support the proposition but I would like the Minister to try and clarify, if he can, how these 2 things will come together or not result in unintended consequences.

#### **The Bailiff:**

Does any other Member wish to speak on the principles? If no other Member wishes to speak on the principles, then I close the debate and call upon Deputy Renouf to respond.

#### **5.1.6 Deputy J. Renouf:**

I thank all Members for those helpful comments. One thing I would say is I have lived in a conservation area for quite a while in the U.K. and I must say I found it quite useful, not least in supporting property values in the area. They do work to kind of sustain a character and a charisma, I would say, almost to a particular area that makes them attractive to live in. I do not think we would need to make St. Aubin much more attractive to live in but I certainly want to make sure that we do not see any damage to it. There may be opportunities to enhance the fabric of the area beyond just the listed buildings there. The question of trees, I would be very happy to commit to talk directly to Deputy Bailhache as these proposals come forward. All the proposals will go out for consultation. All the details of them will be subject to that kind of examination. I am very happy to personally talk to Deputy Bailhache about it and discuss the issues that are raised and also to listen to the other consultation responses that might be appropriate there. The question of funding, no one could be, I think, more committed than me to the principle of protecting our heritage but we are also very well aware that we have limited resources. Any money that does become available for this is likely to be

very tightly constrained, I would say and, therefore, the criteria for a successful application for funding is likely to be a very high bar and a searching examination of the circumstances that would be necessary for an application to be successful. To Deputy Coles' point, I think if we were looking at quite clearly what he was describing as a kind of sharp practice, I think that that would be revealed in the examination of an application for a grant. I think while the shortage of money for this is not something I would want to be proud of, I think it does mean that we would be very sure that any applications were subject to quite strong scrutiny. The aim of these regulations is simply to create the flexibility to in the future make grants, should the money be available, and that is all that the principle of these regulations does. I would ask Members to support them and perhaps I could call for the appel.

**The Bailiff:**

The appel is called for. I invite Members to return to their seat. The vote is on the principles of P.83. I ask the Greffier to open the voting and Members to cast their vote. If Members have had the opportunity of casting their vote, then I ask the Greffier to close the voting. The principles have been adopted: 36 votes pour, 9 votes contre, no abstentions.

<b>POUR: 36</b>		<b>CONTRE: 9</b>		<b>ABSTAIN: 0</b>
Connétable of St. Helier		Connétable of Trinity		
Connétable of St. Brelade		Connétable of St. Peter		
Connétable of St. Martin		Connétable of Grouville		
Connétable of St. John		Connétable of St. Ouen		
Connétable of St. Clement		Connétable of St. Saviour		
Connétable of St. Mary		Deputy M.R. Scott		
Deputy G.P. Southern		Deputy R.E. Binet		
Deputy C.F. Labey		Deputy A. Howell		
Deputy M. Tadier		Deputy T.J.A. Binet		
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J Farnham				
Deputy K.L. Moore				
Deputy P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B.S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy H.L. Jeune				



Deputy M.E. Millar				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F Stephenson				
Deputy M.B. Andrews				

**The Greffier of the States:**

Those voting contre: the Connétables of Trinity, St. Peter, Grouville, St. Ouen and St. Saviour and Deputies Scott, Rose Binet, Howell and Tom Binet.

**The Bailiff:**

I am assuming in the absence of Deputy Luce the panel does not wish to call the matter in.

**The Connétable of St. Brelade (Vice-chair, Environment, Housing and Infrastructure Scrutiny Panel):**

No, Sir.

**The Bailiff:**

Thank you very much indeed. Do you propose in Second Reading? How do you wish to deal with them in Second Reading?

**5.2 Deputy J. Renouf:**

Yes, Sir, I propose in Second Reading and *en bloc*.

**The Bailiff:**

Are they seconded in Second Reading? [**Seconded**] Does any Member wish to speak in Second Reading?

**5.2.1 The Connétable of St. Brelade:**

Yes, if I could just talk to Article 1, the conservation area designation. It is speaking to St. Aubin in particular, it is quite difficult to designate that as an area.

[15:45]

I, in fact, have been involved in submitting St. Aubin to Parish in Bloom competitions in the past and we have always had difficulty in identifying what the boundaries might be. It might be that it is something that will come out of consultation in the area but I would, once again, suggest to the Minister that great care needs to be taken in that particular situation and of course any others that he may choose in due course. I think it would be better if that information were to come out ahead of a debate, so Members knew what they were voting for.

**The Bailiff:**

Thank you, Connétable. Does any other Member wish to speak in Second Reading? If no Member wishes to speak in Second Reading, I close the debate and call upon the Minister to respond.

**5.2.2 Deputy J. Renouf:**

Just to clarify on that point, that the boundaries of the conservation area will be put out to consultation and will be the subject of feedback from no doubt mostly by people who are likely to be affected one

way or the other, in or out. It is absolutely not the intention for the Minister to simply sit in his office one day doodling on a map and saying: “I think we will have this bit in and this bit out.” No, this will be a proper consultation and the initial boundaries, I am sure, will be designed by principles that will have been explained. But that does not make them definitive and of course there will be other considerations to apply. The people affected, I am sure, will want to comment on them. It is absolutely clear that we are not just going to be going ahead and designating the borders of a conservation area without that scrutiny. With that I move the proposition in Second Reading.

**The Bailiff:**

Those in favour of adopting in Second Reading, kindly show. Those against? Very well, they are adopted in Second Reading. Do you move in Third Reading, Minister?

**5.3 Deputy J. Renouf:**

Yes, if I could maintain the proposition.

**The Bailiff:**

Is it seconded for Third Reading? [**Seconded**] Does any Member wish to speak in Third Reading?

**5.3.1 The Connétable of St. Brelade:**

Sorry, Sir. Just I think I feel in the absence of the chair of the panel and once again repeat that the panel are keen to work with the Minister on the detail of these proposed regulations and look forward to producing an equitable result, which will satisfy not only the conservationists but the practical inhabitants of the areas involved.

**The Bailiff:**

Does any other Member wish to speak in Third Reading? If no Member wishes to speak in Third Reading, I close the debate and call on the Minister to respond.

**5.3.2 Deputy J. Renouf:**

Yes, just to say I think I have made clear in my opening remarks that I wanted to work closely with the Scrutiny Panel on this and I think that it could only lead to better regulations as a result of orders, as a result of that consultation engagement. I look forward to that process. If I could probably call for the appel this time, please, Sir.

**The Bailiff:**

In Third Reading the appel is called for. I invite Members to return to their seats. The vote is on the Third Reading of P.83. I will ask the Greffier to open the voting. If Members have had the opportunity of casting their vote, then I ask the Greffier to close the voting. The regulations are adopted in Third Reading: 38 votes pour, 9 votes contre and no abstentions.

<b>POUR: 38</b>		<b>CONTRE: 9</b>		<b>ABSTAIN: 0</b>
Connétable of St. Helier		Connétable of Trinity		
Connétable of St. Brelade		Connétable of St. Peter		
Connétable of St. Martin		Connétable of Grouville		
Connétable of St. John		Connétable of St. Ouen		
Connétable of St. Clement		Connétable of St. Saviour		
Connétable of St. Mary		Deputy M.R. Scott		
Deputy G..P. Southern		Deputy R.E. Binet		
Deputy C.F. Labey		Deputy A. Howell		
Deputy M. Tadier		Deputy T.J.A. Binet		

Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B.S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F Stephenson				
Deputy M.B. Andrews				

**The Greffier of the States:**

Those voting contre: the Connétables of Trinity, St. Peter, Grouville, St. Ouen and St. Saviour and Deputies Scott, Rose Binet, Howell and Tom Binet.

**6. Draft Christmas Bonus (Miscellaneous Amendments) (Jersey) Regulations 202-(P.84/2023)**

**The Bailiff:**

The next item is the Draft Christmas Bonus (Miscellaneous Amendments) (Jersey) Regulations lodged by the Minister for Social Security. The main respondent is the chair of the Health and Social Security Scrutiny Panel and I ask the Greffier to read the citation.

**The Greffier of the States:**

Draft Christmas Bonus (Miscellaneous Amendments) (Jersey) Regulations 202-, the States make these regulations under Articles 8 and 18 of the Income Support (Jersey) Law 2007 and Article 2 of the Social Security (Bonus) (Jersey) Law 2014.

**Deputy E. Millar (The Minister for Social Security):**

It is a bit of a pity this is not our last item and we could all vote on it and go home and reward ourselves with a mince pie, but here we go. In September Members voted to increase the annual Christmas bonus payment in response to Deputy Ward's proposition, from just under £85 to £114.19. This Christmas bonus is paid to anyone in an income support household, is a pensioner or receiving a carers component. It is also provided to anyone with an income support claim who is receiving the personal care component at level 2 or 3 or a means-tested long-term care benefit. It is also available to a group of pensioners who do not qualify for income support but are members of the Pension Plus scheme. These pensioners live in a household that has a total income too low to pay tax and assets of no more than £64,000, excluding the value of their home. I expanded the Pension Plus scheme in September this year to significantly increase this asset limit from £30,000 to £64,000. This has opened the scheme up to a group of pensioners who were previously excluded, so a greater number will now receive a Christmas bonus. Eligibility for the Christmas bonus is measured as at 1st November each year and the payment is made in early December. If more than one person in a household qualifies they will each receive their own bonus. The timing of this debate today will allow the 2023 payment to be made very soon at the new level. I propose the principles.

**The Bailiff:**

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

**6.1 Deputy R.J. Ward:**

Just briefly, just to thank the Minister for bringing this forward so promptly and I encourage Members to vote for it.

**The Bailiff:**

Does any other Member wish to speak on the principles? If no other Member wishes to speak on the principles, I close the debate and call upon the Minister to respond.

**Deputy E. Millar:**

Sir, I propose the principles on ...

**The Bailiff:**

You maintain the principles.

**Deputy E. Millar:**

I maintain the principles, apologies, sorry.

**The Bailiff:**

Those in favour of adopting the principles, kindly show. Those against? I am assuming the Scrutiny Panel does not wish to deal with this matter, Health and Social Security Scrutiny Panel.

**Deputy R.J. Ward (Chair, Health and Social Security Scrutiny Panel):**

The answer is no, Sir, but I did bring the proposition, so I do not know if I should even be commenting but ...

**The Bailiff:**

That is all right. Then we will move on to Second Reading, we are fine. How do you wish to deal with the matter in Second Reading, Minister?

**Deputy E. Millar:**

*En bloc*, please, Sir.

**The Bailiff:**

Are they seconded in Second Reading? **[Seconded]** Does any Member wish to speak in Second Reading? Those in favour of adopting in Second Reading, kindly show. Those against? The matter is adopted then in Second Reading. In Third Reading, do you propose them in Third Reading, Minister?

**Deputy E. Millar:**

Yes, please, Sir.

**The Bailiff:**

Are they seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? Those in favour of adopting in Third Reading, kindly show.

**Deputy M.R. Le Hegarat:**

Can we have the appel, please?

**The Bailiff:**

The appel is called for. I invite Members to return to their seat. The vote is on Third Reading for P.84, The Draft Christmas Bonus Regulations. I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their votes, I would ask the Greffier to close the voting. The regulations are adopted in Third Reading: 45 votes pour, no votes contre and no abstentions.

<b>POUR: 45</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Connétable of St. Helier				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				

Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B.S.V.M. Porée				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F Stephenson				
Deputy M.B. Andrews				

## **7. Minimum Residential Space Standards (P.87/2023)**

### **The Bailiff:**

The last item of Public Business is the Minimum Residential Space Standards lodged by Deputy Coles. The respondent is the Minister for the Environment and I ask the Greffier to read the proposition.

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

The States are asked to decide whether they are of opinion to request the Minister for the Environment to review the minimum standards for residential spaces and to consider (a) making the minimum standard for a one-bedroom 2-person apartment the minimum standard for all one-bedroom apartments by removing the occupancy criteria, (b) removing the minimum standard for a 2-bedroom 3-person occupancy and making 2-bedroom 4-person occupancy the minimum for a 2-bedroom apartment and (c) increasing the minimum standard for gross internal area of both one-bedroom and 2-bedroom apartments by 10 per cent.

## 7.1 Deputy T.A. Coles:

Apologies to the Minister for Social Security for adding one on at the end. I would like to thank the Members and also members of the public for their support on this proposition and I want to acknowledge the hard work of the Minister and his department for all the efforts that went into revising the Supplementary Planning Guidance in the first instance. This work is long overdue and the changes needed to be made. I do not want this proposition to reflect badly on that work, as there have been some good improvements on the previous guidance. However, in my opinion, there is one area of work that was not addressed properly and that is the size of the apartments that we are allowing to be built. I am sure that some of you here today will comment that this is a simplistic answer to a complicated question. Having worked hard on this speech I can assure you that the answer is certainly not simple. If I am acknowledging the hard work, why am I bringing this proposition? First and foremost, I have a principled objection to the smallest category of one-bedroom apartments and had the Minister not changed his position of allowing only 5 per cent of a development over 20 units, then I would not have brought this proposition in the first place. Unfortunately here we are, still allowing developers to use this size of apartment to make up the mainstay of their developments, so I must take steps to address this. As I started to write this speech I found myself much like Alice going down rabbit holes. I think it is best that I start by just explaining what this proposition is asking for and, just to confirm in advance, I will be taking this proposition in parts. Part (a) requests that the Minister remove the one-bedroom apartments that are designed to accommodate one person from the guidelines. As a result, the one-bedroom 2-person will become the smallest apartment that would be allowed to be built. For a bit of context, in the new planning guidance a one-bedroom one-person apartment has to be at least 41 square metres, in old money this is 441 square feet. A one-bedroom 2-person apartment has to be at least 53 square metres or 570 square feet. Part (b) requests that the Minister remove the 2-bedroom apartments that are designed to accommodate 3 people from the planning guidelines. As a result, the 2-bedroom 4-person would become the smallest 2-bedroom apartment that would be allowed to be built. Again, the context of this is a 63 square metre or 678 square foot apartment becomes 77 square metres or 828 square feet. Part (c) requests the Minister to increase the gross internal area of all one-bedroom and 2-bedroom apartments by 10 per cent, the values of which can be found in my report. Interestingly about part (c), in conversations with the Minister around this proposition I offered a compromise that I would accept an amendment to this proposition to make part (c) only apply to part (a). I thought that this was reasonable, this would make the smallest unit 45 square metres or 485 square feet if the Assembly decided that it wanted to keep the smallest unit but still make them slightly bigger. Unfortunately, this offer was rejected by the Minister. I mentioned before about rabbit holes, mostly to keep the rabbit hut-sized apartment analogy alive but as I start my main arguments you will see how this warren started. It gets worse. **[Laughter]** I am going to try and stay focused and keep to the points. I will start my arguments by addressing some of the Minister's comments because they align to making my point. Firstly, I will quote the Minister's comments paper: "To support Deputy Coles' proposition to increase space standards for all one and 2-bedroom homes by 10 per cent, would in all cases set Jersey's minimum standards above those regarded as both the minimum standards in the U.K. and best practice standards in London." Yes; yes, they do. Absolutely. Why should we not be aiming to better our standards than the U.K. minimum and London best practice? The fact that London best practice is better than our minimum standards shows what can be achieved. In fact it is interesting in some instances in London you get more for your money than in Jersey because London developers are following best practice rather than minimum. A quick search on 9th November on a property website for Jersey and one for the U.K. I found that the cheapest new build in Horizon was listed for sale at £350,000.

[16:00]

It was 44.3 square metres or 477 square feet. It was a new build with no parking. In London for the same price, again a new build, one-bed, with no parking, the property was 60.7 square metres or 654

square feet. I do not know the London postcodes but what I do know is this apartment was in walking distance of a tube station for the District Line, so it had good transport links. It was Upton Park, if that means anything to the Deputy. We all know that recruitment retention is a struggle that our Island is facing. If people have a choice where they want to live and work, housing costs play a part of that decision. Where would you choose to go? The place you can only afford, the smallest home or somewhere that offers you 16 square metres more. There are also very different cultural experiences between the 2 places. In the next section the Minister's comments refers to costs and affordability. This is a clear and obvious issue that cannot be tackled by a single policy but should also not be used to derail another. I want to take the Minister's comments about build costs from comments paper and I quote: "Very simply, the delivery of larger homes requires more building materials and more labour, therefore, costs more to build." This might be true of houses but when it comes to apartments this statement simply does not stack up. Full pun intended because that is how you build apartments. If you have a wall of 20 bricks it takes the same amount of bricks and time to build that wall, whether it is 5 metres or 10 metres from the other wall. The Minister's comments also does not take into account the economy of scale. What I think the Minister meant was that the yield on a site might go down, which could, potentially, see the cost per square metre increase. But this would only be conjecture, as with a good architect and project team this might not be the case. Also, we were talking about the speculative returns on risk and investment, would developers take that risk? What percentage of profits does a developer want for that risk? These are other factors that are not lost on me that I have considered. We are lucky that we have 2 developers that are government-owned that we can support an element of risk that private developers might not. In fact it is the return of profit that affects prices. As I have heard - not evidence-based I will admit - but potential build costs range from £800 per square metre to £2,000 per square metre to build apartments. At this higher amount a 53-square-metre apartment would cost £106,000 to build. Even if that figure has gone up, doubled in fact to £4,000 per square metre, there is still room for a profit of £150,000 per one-bedroom apartment at the current asking average price of £362,000 or a return of 30 per cent. I know some like to think that we in Reform Jersey think that profit is a dirty word; we do not. But when cost and price is mentioned it is worth highlighting what someone is likely to be making. Following the Minister's comments paper in order I come to this point: "The effect of Deputy Coles' proposition to remove one-bed one-person and 2-bed 3-person home would be to remove the choice in size of homes available to Islanders looking to live in a smaller property. As stated above, it would also render the price of one and 2-bedroom properties that much more expensive and out of reach of more Islanders and also those wishing to return to the Island." Where to start with this one? I feel I am about to explain capitalism to capitalists. First off, this proposition is not ordering the demolition of every apartment that does not meet the standards within the guidance or whatever is approved as a result of my proposition. These small apartments will still exist and those that have permission and are currently being developed will still be developed and continue to exist. Hopefully, this reassures the Minister for Infrastructure. What will happen is that the new apartments will be bigger and by the power of supply and demand affect the price of rent and purchase, meaning that small apartments would be cheaper than the larger ones. Overcrowding; the Minister's comments: "The planning system can regulate the size of homes but cannot regulate the number of people that might occupy residential accommodation." Absolutely, I agree with the Minister. It is very difficult to prevent overcrowding and with all the good will in the world it will be a difficult challenge to overcome. Let us look at this problem and how the guidance might make overcrowding easier and a potential issue. A one-bedroom one-person apartment now has a bedroom that is the same size as a second double bedroom, 11.5 square metres. The intention was to allow better space and adaptable living and working from home. This is good but, unfortunately, it creates unintended consequences. Now the bedroom is big enough for a king-size bed and a wardrobe space for 2 people or a standard double bed and a small child's single. Very easily you can have 2 or 3 people living in an apartment that its main living space was designed for a single person. A 2-bed 3-person apartment now has a second bedroom that provides 8 square metres of space. For a bit of



context, 2 single beds at 1.7 square metres each would take up 3.4 square metres of this space, leaving 4.6. With bunk beds there would be space of 6.3 square metres of space left in the bedroom. This might seem great and very positive but let us not forget that in the Minister's own comments he says about planning: "It can seek to ensure that homes are appropriately designed to ensure that they are capable of providing good quality accommodation for the number of people that the home it is designed to accommodate, relative to bed space and its size." This apartment was designed to be a home for 3 people, quite easily it could be housing 4 people. It would be easy to get that up to 6 if we wanted to say that 4 children take the master bedroom and the parents take the smaller bedroom. Before anyone asks the question or raises the point, yes, this can also happen in a one-bedroom 2-person and a 2-bedroom 4-person apartment. The difference is that not only are the bigger bedrooms and the living room, dining room, kitchen also bigger and the ratio of overcrowding is reduced. That is why if we make the one-bed 2-person and 2-bed 4-person the minimum standard we accept, then we take a step to reducing the risk of overcrowding. The Minister says that this is a flawed approach. I say it is better to do something than say: "Well, Planning cannot fix it, so we will not do anything." The Minister remarks on 2 other areas and I will tackle these 2 together; the need for smaller home and right-sizing. The 2021 census showed that 10,534 owner-occupied homes were under-occupied with 2 or more spare bedrooms. Some of you will have seen that I have an amendment in the Government Plan to bring incentives to encourage people to right-size. For these incentives to work we must build more properties for people to want to move into. I want you to all ask yourselves, would you move from an average sized 3-bedroom house into an apartment with only a single bedroom, regardless of its size, or a 2-bedroom apartment that is only suitable for 3 people? If you say you would not or if your answer was if I had to, then you need to vote for parts (a) and (b). Because if you would not, why should this be the only option for others? The need for smaller homes considers for a snapshot of the time and as current trends show that the average is 2.27 people per dwelling, if this number continues to decline there is no problem. However, if these numbers were to increase, well then we have a problem. It is like an umbrella on a cloudy day, it is better to have one and not need it than need it and not have one. This snapshot also does not take into consideration changing habits of young people, those trying to get on the property ladder or to simply afford to move out of their parents' homes. I know of many individuals that are buying 2-bedroom apartments with friends, as this is much more affordable with half of the average 2-bedroom price being £279,000, rather than the £362,000 for a one-bedroom flat on their own. The 2-bedroom 4-person apartment option is the best option for anybody looking to share. There are many other points I can make on this subject but I have rabbitied on long enough; told you it got worse. I think it is better to open this debate to the Assembly and with that I make the proposition.

**The Bailiff:**

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

**Deputy B. Ward of St. Clement:**

I ...

**The Bailiff:**

Warr. Deputy Warr.

**Deputy B. Ward:**

I am sorry.

**The Bailiff:**

That is all right.

**Deputy B. Ward:**

I did not see the Deputy.

**Deputy D. Warr of St. Helier South:**

That is okay.

**Deputy B. Ward:**

My apology.

**7.1.1 Deputy D. Warr:**

When I read this proposition I kept being reminded of a different type of analogy and that is the one which says having your cake and eating it. There has been much gnashing of teeth over what is considered a healthy amount of space in which to live a normal, active life. COVID made us all appreciate the importance of outside space that a 2-bed house with a garden was Nirvana. I remind Members that we live in an Island that is 9 miles by 5 miles. We have a population of 103,000 people; at least I think we still have. Land is expensive, space is expensive and no matter how we try to cut that cake these are the fundamental truths. I see 3 issues in conflict here, what I call a trilemma; the need to build more homes, the reluctance to build on greenfields, the wish to avoid an over-densification of town. The Assembly voted through the bridging Island Plan that we would keep our countryside as green as possible, recognising that this would mean increased building density in St. Helier. Remember the bridging Island Plan said: “We need to build 800 homes a year to 2025.” Given these constraints and demands on land, it is quite ironic that a member of the Reform Party now brings a proposition on space standards when his party voted against the rezoning of every field brought forward to the Assembly at the time. Not only that, the party approved the bridging Island Plan, therefore, supporting the move to increase town density. Restricting the amount of land available to build on inevitably means that homes will need to be smaller if we are to successfully accommodate our population. There is no such thing as consequence-free politics, no yin without the yang. If we see every tension as unacceptable and if we refuse to budge on any issue, then we reach a stalemate and that will end with just one thing, we build nothing. What surprises me is the timing of this proposition. My colleague, the Minister for the Environment, has only recently completed a consultation and increased minimum standard space, yet here we are looking to ... Sir, do I need to be heckled?

**The Bailiff:**

No, the answer is you do not need to be heckled.

**Deputy D. Warr:**

Thank you.

**The Bailiff:**

I was just about to interrupt and say if people could govern themselves so that we can get through the debate as expeditiously as we can. Please, carry on.

**Deputy D. Warr:**

Thank you, Sir. My colleague, the Minister for the Environment, has only recently completed a consultation and increased minimum space standards, yet here we are looking to increase those standards still further. We already exceed the minimum national standards adopted in the U.K., as recognised by the Deputy, and London for all one and 2-bedroom homes. It makes me wonder if the real objective of this proposition is to make this Island even more unaffordable and force more people to leave. Further increasing the minimum size of units will exacerbate the affordability issue and push more homes out of reach. Indeed, the calculations I have seen so far would increase the cost of a one-bedroom apartment from £260,000 to £351,000. It does not take a rocket scientist to work out that additional space costs more money. It is a concept that it not unique in this Island, that is why a one-bedroom flat costs less than a 3-bedroom home. If we simply increase the size of a one-bedroom

apartment, as sure as night follows day, the price of that home will increase proportionately. A developer will not commit to building or even designing a new residential development without confidence in the saleability of the completed home. There is growing risk that adding costs and increasing sales price may force developers out of the market, leading to a reduction in supply and then costs could shoot up again.

[16:15]

Deputy Coles says: “Health and well-being are linked to the size of a home.” But size is only one factor, price or affordability, safety, living environment, neighbourhood and leisure spaces all contribute to well-being. I would argue the most significant impact to health and well-being is being unable to afford to purchase or rent a home. I fully understand the Deputy’s ambition but that ambition has to be based in reality. More space has to deal with the immovable object of cost. There is a much bigger picture here, further increasing our minimum standards will put us out of sync with other jurisdictions, that we risk our ability to use modern methods of construction. Modular factories are set up to deliver specific sizes and volumetric builds rely on economies of scale, not bespoke developments for a small island. It is also inaccurate for the Deputy to claim in his report that developers might build more and more smaller apartments. He is perhaps forgetting that Policy H4 requires a mix of units, larger homes, as well as smaller homes. In his notes the Deputy makes the observation that: “Jersey currently has no regulations to demonstrate, or indeed enforce, maximum occupancy.” But overcrowding is not rife in Jersey. Not only is it a small figure of 4 per cent but it is also decreasing. It is under-occupancy, as the Deputy recognises, at 26.4 per cent that we need to address and Deputy Coles is aware of this. He had put this in an amendment, as he has already established, to the Government Plan. Why does the Deputy think people over-occupy? Maybe it is because housing costs are so high and it is the only way some people in this Island can put a roof over their head. It is not right and it is not fair. But making homes even more unaffordable is not going to solve this. It is a fact that we need more smaller homes. Data shows us there continues to be a clear waiting of need towards one and 2-bedroom homes. This trend is set to continue in light of ongoing household unit-size shrinkage. While the size of households continues to decrease, more than 30 per cent of Islanders live on their own. What we need to get right is the quality and design of our build environment, well-designed homes that use space efficiently is where we should be heading. That is what keeps costs down and Islanders’ living experiences optimal. A populous contrary such as stopgap apartments simply does not recognise life’s journey, nor does it reflect reality. The step out of a bedroom into home ownership is not about a giant leap into a for ever home, it is about a series of small steps. Many Members of the Assembly will recognise this journey. The danger of accepting this proposition is that we abandon this well-trodden route to home ownership. We create an unbridgeable gap all because of a desire for that extra unaffordable square metre. The proverbial straw that breaks the camel’s back. I recognise the laudable desire for more space but if that means it stops people from being able to move on in their life, then it is the wrong policy. This is not a sustainable way to help Islanders on their home ownership journey. Let us also consider that we do not yet know the impact of the revised space standards on the market, given the current affordability issues. It will be reckless for the Assembly to endorse a proposition that will inflate housing costs. The Minister for the Environment has already increased minimum space standards. He has already eased the tension in this trilemma. I would ask other Members to also think about the whole picture and reject this proposition.

### **7.1.2 Deputy B. Ward:**

Sorry for the mix up before but I could not see my colleagues behind me. May I thank Deputy Coles for St. Helier South for bringing this proposition, who I share the concerns about these room sizes in flats and other accommodation, which has been recently built and is proposing to be built going forward? I have been in Jersey a long time working in the community, going in and out of people’s homes. I have probably been in more accommodation units in Jersey than all of you probably put

together; when you are nursing or doing community nursing and visiting all different age groups within our Island. What I have seen is certainly in the latter 10 years the reduction in the size of the accommodation. We are going from a bedroom, a lounge, a proper kitchen and a bathroom down to a holiday home where you are cooking in your lounge, so that cannot be right; that is just really scrunching down. A good example of good room sizes, in my view, are the Le Marais flats, Hue Court, Convent Court. These have been built some time ago but those were Jersey's minimum standards at that time. Why have we not been continuing to use those as our minimum standards which were best practice? A lot of the people that lived in those flats it was their home, it was not a stepping stone to go on to something else. They were very comfortable. There is a good community, even in Le Marais flats now there are people who have lived there for 30-plus years because that is their home. They have the space, they have a good relationship with their neighbours. Those are the good examples. What I see now when I am being taken round, as a States Member, round some of the new flats, you could not swing a cat in them. They are not for 2 people, it is a bedsit. Because you have got your cooking in your lounge, I repeat, and a bedroom and then your bathroom. But they say: "But you have got a nice balcony." "Yes, but I do not sleep or live on my balcony." It is about having that extra space. Personal living space is very important to one's mental health and well-being. Therefore, Deputy Coles, I will be supporting you very much to have the accommodation expanded because really I think we are under minimum standards. We should look to what we have built in the past and use that as our template.

### **7.1.3 Deputy A. Curtis:**

I thank you, Deputy, for bringing this proposition, whether or not in the end I support all or part or none of it. Before my speech I wish to highlight that any Member challenging the Deputy on the principles should check themselves very hard that they are fully aware of what accommodation looks like; the consequences of the standards, the floor plates and the likes. Deputy Coles has been a diligent member of the Planning Committee in assessing applications against the bridging Island Plan and whether or not one supports this I trust and acknowledge he is up to date with the standards and the plans submitted and the consequences of the living accommodation that they provide. Moving forward, I stood on the principles that to create an Island that could sustainably support its population, the quality of homes we need must be greater. In particular, I highlighted in my manifesto I supported increasing the minimum size and space requirements for new builds, increasing the focus given to good design and architecture to ensure any new development improves an area for residents, neighbours and users and ensuring development provide a more suitable housing mix with more 2, 3 and 4-bedroom homes and fewer one-bedroom flats. Like Deputy Coles, I took part in the consultation the Minister put out on the revised space standards. In my response I provided 6 recommendations and I am very pleased to see the Minister has adopted some of those. I would, however, like to address the 2 main issues that I see in this proposition, one of the housing mix and the appropriateness it provides for our population and, secondly, of the sizes within each unit type. As it stands, I think we know that there has been an overwhelming development of one and 2-bedroom units. Those who watched the applications pass through will see that. I have real concerns that this is not the accommodation that we need for the long-term sustainability of our population to want to be on the Island. If we look at the Island's housing data for housing mix, we are woefully behind on the data as to what our future housing stock needs to be. One might be tempted to turn towards a Statistics Jersey report, future housing need, based on the 2022 Opinions and Lifestyle Survey. This report calculates that there will be a 750-unit shortfall over the next 3 years for one-bedroom flats, 110-unit surplus in 2-bedroom flats, a 760 shortfall in 2-bedroom houses and a 660 surplus in 4-bedroom homes. Members might be left confused that the Statistics Jersey report on house price shows that 4-bedroom homes remained buoyant among the dropping prices of 2-bedroom and one-bedroom flats. I suggest this is where the economics and wants of the Island do not marry to, potentially, the statistical calculations on the questions. Indeed, when one looks at the 2022 Opinion and Lifestyle Survey they will find that question 7.12 asked: "How many bedrooms do you

need?” It does not tell us how many bedrooms do you want or how long do you want to live in your next home for? These are the questions that Islanders ask when they choose whether Jersey is a home for them or merely a stopping destination before they move on to brighter and spacier things. In that sense, people propose that we need to look to flat-living and that we look to Europe and not the U.K. For Members to understand that, the proportion of dwellings in the U.K. is 20 per cent, in the E.U. (European Union) it is 26 per cent and if one checks the 2021 census for the Island it is 44 per cent. We are well accustomed to apartment or flat living, and it is our job to make sure that any new apartments or flats meet a standard that can sustain people for more than a 3-year period, as the Opinion and Lifestyle Survey asks about. So it seems to me that it is essential that work is undertaken to assess housing desire, housing want, and future homes. We talk about a housing need but the truth is people on this Island vote with their feet. If they do not find a home that is suitable for their next 10 years or 15 years they will leave and we will have a severe short termism in building units that people happily live in for 3 years before they realise that there is no place left to go but off-Island. I urge the Minister to consider that this is required because of course, as Deputy Coles highlighted, one element of the original draft revised space standard restricted one-bedroom one-person unit to no more than 5 per cent of the dwelling mix. We currently have no supplementary planning guidance on housing mix for planners to use in assessing applications and, therefore, it is incredibly hard for them to push back against applicants who bring forward let us say a scheme with half one-beds, half 2-beds, and challenge the housing mix. If we are to provide houses and homes for families we must have that data and planners must be empowered to use it. Addressing the second element of the proposition, that is of minimum space. The Deputy is asking for an increase or a review to increase by 10 per cent. While I appreciate the direction he is taking I think we have made great steps forward with the contents of the revised space standards to achieve this. Members will note I have circulated an email with screenshots of plans which I hope will assist them in understanding what the new revised guidance requires, as I read through some of it. Firstly we now have a minimum standard for what are called L.K.D.s (living, kitchen, diners). They are those open plan spaces that Deputy Barbara Ward referred to. The guidance highlights that this can sometimes be of preference but unfortunately it can come at the cost of good design, if not careful. Fortunately we have a minimum standard, so if we take a 3-bedroom 2-person unit the minimum must now be 27 metres squared. Members will be interested to know applications and prominent applications judged under the bridging Island Plan of the same unit mix under the previous guidance, proposed living, kitchen, diners of as low as I found, 20 metres squared for 2-bedroom 3-person units. I think we are far better at creating places people can raise children and enjoy their social evenings. Even more importantly - and this is where I think the Minister - advice has been taken on board to remove other areas that are non-usable space within that living, kitchen, diner. Firstly, the area immediately inside the front door cannot be counted towards the minimum space of a living, kitchen, diner. That is where the door swings. Secondly, and importantly, what is known as circulation space, space required to access one area to another and in this case to access habitable rooms, may not be included either.

[16:30]

I have circulated to Members what a circulation space looks like, and while we have no definition under Planning Law we do have guidance as to minimum circulation, which space is under technical building documents, and there are a range of areas we can go for advice on that. It is typically an 800-millimetre strip to connect one door to another door. This is a dramatic change to the quality of accommodation. Those who have gone around to some of the large apartment blocks we have seen built over the last 8 years will have seen sometimes a single aspect layout in which 2 bedrooms are both accessed off the living area by the balcony. This in effect creates an unusable path through the living, kitchen, diner, and dramatically reduces the usability of a person's space, so I think this will in reality increase space. Furthermore, there are other great improvements. Sensible recognitions that if a balcony is triangular the space has to be above the minimum standard to avoid developers cramming in a balcony that is non-usable. Other interesting areas including improved internal storage

with sensible guidelines such as at least 50 per cent of that storage space must be accessible from circulation areas and not private rooms. I suggest publicly-owned developers take note of that one in particular. There are many improvements in these standards but what is key to all of these is they are only useful if they are applied and held strong by planners; whether those planners are officers, the committee or the Minister. The standards give sufficient flexibility to deviate where necessary; all positive. But planners must be empowered to push back against applications that, for example, fail to meet these standards or without due consideration propose poor design, or - to use some of the guidance's words - propose developments in which the standards are a minimum and they should not be considered a benchmark or upper limit to maximise density or yield. It is best practice to exceed them. When planners are empowered to approve good applications we will see better accommodation. I would like to hear from the Minister how he expects planners to interpret housing-mix policies, and I think that will give Members guidance as to whether they should accept or refuse part (a). For part (b) and part (c), I believe the power is with the department or the committee and the Minister to enforce these standards, every part of them, and ensure good design prevails for good homes.

#### **7.1.4 Deputy M. Tadier:**

I was compelled to put my light on when I heard the words from the Minister for Housing and Communities talking about this might make people leave the Island; if we have flats which are too big for people to live in they might just leave the Island. I am not sure that is a *sequitur*, if you can say that, it sounds like a *non-sequitur*, because people are leaving the Island. That is the current reality. They are leaving the Island for a whole series of factors because life is getting difficult in Jersey and I know that people often who are renting here are paying too much, and there are a whole series of factors why Jersey is becoming less and less competitive to work and why employers are having to go further and further afield to bring people in. Of course we bring in people who are perhaps the most vulnerable, who have got the least voice and are the most tolerant to poor living and work conditions. Yet when it comes to an opportunity to build better back for the future the Government is finding all sorts of excuses for not building a better future. We are already seeing that within the Council of Ministers there are those who are brave enough I think to speak out and support this in principle - because it sounds like a good thing to support, does it not, having slightly bigger homes than maybe rabbit hutches. I would encourage them to find the courage to not just make some sounds about this but to vote for this, because if you are going to break ranks with your Ministerial colleagues - we know it is quite possible, we have seen some very good examples of breaking ranks - at least do it for something that is meaningful and perhaps ethical. Let us look back at the 5 strategic priorities that the Government put forward at the beginning of this term, and at least 4 of those are directly relevant I think to why we should support this proposition from Deputy Coles. The first is very timely; we have just had a debate today about the U.N.C.R.C. the United Nations Convention on the Rights of the Child, and the first strategic priority was we will put children first, we will improve Islander's well-being was the second, and mental and physical health. I think by having slightly bigger standards in St. Helier in particular ... but it is not limited to St. Helier. We know in St. Clement, in St. Saviour, in St. Brelade, in Les Quennevais which has been caught up into that wider conurbation, there is not just a presumption but there is an encouragement for filling in gardens and packing in space and redeveloping so that we can get more units of accommodation - or homes, as Deputy Ward would call them - for people. If we have minimum standards, who are the people that are going to end up living in those minimum standard homes? It will be the people with the least money available, often renters, and they may be people with children, and we know the consequence of children living in cramped areas in St. Helier, which still has not got to grip with a proper strategy for open spaces. I know we had a very good chat yesterday, Minister, about a potential vision for St. Helier and creating more space, not just necessarily in terms of big parks but maybe smaller pocket parks. But that is still an aspiration; that is not there yet, if it will be there at all. That ties in of course with the aspiration for mental and physical health. Of course, the third strategic policy was we will

create a sustainable, vibrant economy and skilled local workforce for the future. Well, how do you do that? First of all, how do you create a skilled local workforce? Well, of course they have to be local, do they not? I presume by that we mean locally born because of course any skilled workforce has to be on the Island, but if we just skip over that for now. When locals are leaving because they cannot afford to stay here, and foreigners are not coming here in the first place - if I can call them that - because they cannot afford to live here when they do come here, then we are in a very difficult place for creating that sustainable and vibrant economy, are we not? Then the fourth point I think is to reduce income inequality and improve the standard of living. I do question, because we hear comments from the public all the time: "What is going on with this Island? Are they intent on creating a mini Hong Kong?" If you go online, because it is worth remembering - as Deputy Renouf reminded us earlier - not everybody lives and breathes politics. They do not necessarily care about the how the States is made up or what we are called, but they do very much care about the issues. So when a post comes up on social media, for example about the Horizon development, saying the Horizon development has just been completed, it does get a lot of reactions. Those comments are worth looking at. You get comments from the public that we may not always hear in here, and let us look at those: "Tiny is not the word. You can sit on the toilet, turn on the light, while running the bath tap, and then also reach the basin tap if you want to with your big toe. Rabbit hutch. Awful shapes too." I will leave that comment there. I will read this one, it is not necessarily directly relevant but it does give us an insight as to what some people are thinking about the Island: "Sad to see it, as a visitor to the Island for 40 years I have decided not to book for the next year for a multitude of reasons. I would rather have my happier memories of the Island, not that it will bother the people in charge, they do not want us anyway." Not my words but I think it is important to listen to alternative voices. This is something which I think chimes with what Deputy Ward of St. Clement has said: "The only attractive building down there are the Albert Place flats." They are talking about the waterfront: "They are quite a good size and many of them have balconies and a view. They were built 20 years ago. They were for first-time buyers and social housing." Then the last one: "An absolute eyesore, overpriced too. Who wants an apartment which looks into their late neighbour's lounge." Then they finish with 3 letters, I do not know what they mean but it is an F, an F and an S, so if anyone knows what that means, answers on a postcode. The juxtaposition between those last 2 comments are quite interesting, so it is saying on the one hand you have got well-built flats back in a time when either the minimum standards were better or that there was just a presumption that you build roomier flats with a balcony, a balcony that has a view, or you have apartments where you are facing each other and you can see into each other's apartments like a goldfish bowl, something like you might get at Canary Wharf, for example, although they go further up and you could argue they have got better amenity space. I will leave those comments there but I know which side of this argument I want to be on, not simply because I am a Reform member and it is being brought by another Reform member, but as other Members across the Assembly have said, this is the right kind of proposition that we should be supporting. It does put a challenge out there I think for the Minister for Housing and Communities, and it is the direction in which Government should be going.

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

Deputy, I was loathe to interrupt you but I think that even using just letters the comment that you read out was not necessarily parliamentary language; albeit that it was somebody else's words or letters.

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

I will take that back, Madam, thank you.

#### **7.1.5 Deputy M.R. Scott:**

I have a lot of sympathy with this proposition. When it comes to talking about affordability I just want to remind people how you get these chocolate bars that keep shrinking in size, so that you can

pay the same amount and you get something less. I do not really know the ins and outs of how the Minister produced the results he did; I do know that people in the industry have expressed concerns to me about the way in which these consultations have been conducted. There is a concern about these standards, these S.P.G. (supplementary planning guidance), are being brought in anyway because it is not by orders that we can annul. When you look at the actual terms of the proposition itself, it says to request. We cannot order him; we cannot command the Minister for the Environment to do things because of the way that the legislation is structured. I do not like it, but that is the way we have to draft these propositions, because he can do things by Ministerial Decision and, oh, we cannot do anything about it. It simply does request him to review the minimum standards for residential space and consider it. I know he has already done it before but then, on the other hand, I do not see why it cannot be considered again. What really did trouble me was this thing about the standards, the best practice in London. I mean, London is a really dense area and so should that not, to some extent, be a guide? I cannot go as far to say I really think that the things that Deputy Coles are prescribing are the right solution. But I do feel that I find what I have seen in terms of these minimum standards, and I accept there has been a lot of work on them, but I just feel that there perhaps should be a bit more, and all we can do is request.

#### **7.1.6 Deputy J. Renouf:**

I felt I should. The first point I wanted to make is I do respect the Deputy's position. I know he thinks deeply about these issues. I know he studies them. I would also say that this is a good debate to have. It is a completely valid debate for us to discuss these kinds of issues because they are genuine issues, and they do raise complex points and complex trade-offs. On this occasion, I disagree with Deputy Coles but, as I say, I do respect his interest in this and his involvement in it. He has noted that we have engaged in discussions that he fed back to the consultation on this and that, indeed, some of the suggestions that he and Deputy Curtis made were adopted in the revised guidance. Let me start with some facts, because there has been a bit of confusion about some of the history of this. Our minimum standards have increased since 1985. The Island has adopted and used residential space standards, setting out minimum requirements for the development of new properties since 1985, and that was adopted as supplementary planning guidance in 1991. Those standards were based on what is known as the Parker Morris Standards and the subsequent U.K. Housing Ministry's Housing Design Bulletin 6, which became mandatory in the U.K. in 1967. Interestingly, the U.K. moved away in the 1980s from mandatory guidance and abandoned those standards.

[16:45]

We kept them. There was something there that we did better than the U.K., I think. That means that we did keep a minimum standard where in the U.K. developments could go much smaller. That is important when we talk about all these developments in the past that were supposedly better. We have increased standards over the years. A couple of other points I just wanted to pick up. There is a lot of tarred by association going on here. The Horizon development was mentioned by Deputy Tadier. The proposed standards are bigger than the Horizon block standards. They are improvements on those standards. Whatever you may think about those standards, what is in the supplementary planning guidance is an improvement on that. Deputy Scott said that there was a danger that we would pay the same amount for a shrinking chocolate bar, but we are not shrinking. We are expanding the space standards. Deputy Curtis talked about too many one to 2-bedroom flats, and I will come back to that point. But the main point to make here is that, in very crude terms, we have an excess of large homes, many of which are under occupied. So providing an option for downsizing is one of the important things we need to do. But if I go back to the beginning, let us start with some basic points, which I think have been accepted through this. The supplementary planning guidance, in its revised form, is a considerable improvement on the space standards that went before. I think everybody seems to have accepted that. What we have is a proposition that says we should go further still. That definition of improvement stretches across all house types, all categories. It is self-evident



that homes that are designed for smaller households - one, 2 or 3 people - are going to be smaller than homes that need to accommodate more people. It is important to state, however, that a home designed under these standards to accommodate fewer people is not something that is inadequate. Just because it is smaller does not mean to say that it offers poor quality. Turning to the specific focus of Deputy Coles' proposition - one and 2-bed homes - the supplementary planning guidance delivers improvement to the space compared to the previous minimum standard. This includes improvement to gross internal area and to many of the other subcategories of the space; the outside spaces, and so on, the storage spaces. These are significant improvements. To put some figures on it, it goes from, in the case of the one bedroom one person from 34.5 square metres to 41 or 43 square metres, depending on whether it is a shower or a bathroom. That is close to 25 per cent, in one case, improvement. Yes, as I say, this also includes improvement to the living, dining and kitchen space, which Deputy Curtis has acknowledged. You could say that a golden thread running through all of the revised guidance is that both the minimum internal and external space standards of a home are designed to provide good levels of living, dining and kitchen space, and good levels of storage and amenity space for the maximum number of people who might occupy that home. That is the principle on which it is founded. In light of the representations from Deputy Coles and Deputy Curtis and others, the guidance is now clear that the space which makes up the living, dining and kitchen area of a home should exclude that space required for circulation, i.e. the bits behind the doors and so on. Deputy Coles' proposition implies that in Jersey we are providing substandard accommodation, otherwise why would he be suggesting improving it? There is no evidence provided to support this. There is no evidence provided to support that these supplementary planning guidance will lead to substandard homes. The standards adopted in Jersey through this guidance exceed the minimum national standards adopted in the U.K. and London for all one and 2-bed homes, but it goes further than that. Housing design standards issued to support the London Plan also set out best practice standards, where additional space might be provided above the minimum standard to ensure a higher residential quality, and Jersey standards under this supplementary planning guidance meet or exceed that in these categories. So to support Deputy Coles' proposition to increase space standards for all one and 2-bed homes by 10 per cent would, in all cases, set Jersey's minimum standards not just above minimum standards in the U.K. but above best practice standards in London. Another point Deputy Coles' proposition makes is to suggest that homes need to be increased in size to accommodate more flexibility, and specifically things like home working. That is dealt with in the revised guidance, which specifies that internal living space should be easy to use with layouts that are adaptable to facilitate flexible use of space, increase living choices, and enable home working. The new guidance seeks to ensure the provision of space within a living room or bedroom to be adapted to support home working, and that is particularly relevant to the specification of the one-bed one-person home. The standards for this type of accommodation have been increased by between 19 per cent and 25 per cent, depending on whether a bathroom or shower room is provided, and where the bedroom space is required to be a minimum of 11.5 square metres. That bedroom size is the same size as a secondary double or twin room would be in a larger home. So the nub of my argument here is about balance. I have adopted some of the suggestions that have come from Deputy Curtis and Deputy Coles and others who were concerned that the guidance does not provide enough space. But I have also listened to the development industry and responded to their clear message that there is a demand for one-bed one-person flats, and that is why I removed the 5 per cent restriction on that type. But, as has been noted, there are other policies in the Island Plan, and in the supplementary guidance that ensure that the mix of properties needs to be considered. Of course, we would all like to be able to provide larger homes, but it is not a simple question of whether we can provide larger homes. It has to be balanced against what the other effects of doing that will be. It is not a simple choice. You cannot just have one thing without considering the cost. The financial implications of Deputy Coles' proposition would be significant and likely to make new homes less affordable to Islanders. As one of the respondents to the consultation said: "Bigger is not always better, but it is always more expensive." There is another way of looking at this. Making homes less affordable and

accessible is likely to lead to issues for Islanders who cannot access appropriate housing. In other words, you gain more space in one area in one sense, but you also make housing less accessible to other people. There is no easy win here. It is a balance and I believe I have struck that balance appropriately. Very simply, the delivery of larger homes requires more building material, more labour, and therefore costs more to build. This inevitably leads to higher sales prices. That is just going to be a simple fact. There is another point to be made about the focus on single occupancy, single-bed homes, which I think is probably the single biggest issue that has been picked up here. There is a need for smaller homes and, in particular, for one-bedroom homes. Household sizes are falling. The size of the average Jersey household continues to fall and is now at 2.27 people per dwelling. The largest category of households in the Island is the single adult category; 19 per cent, 8,603 households are single person. Another 12 per cent are made up of single pensioners. So over 30 per cent of Islanders live on their own. The current anticipated largest demand for homes, inasmuch as we can anticipate, is for smaller homes, including both one and 2-bedroom properties. The effect of Deputy Coles' proposition to remove the one-bed one-person home and the 2-bed 3-person home would be to remove choice in the size of home available to Islanders looking to live in a smaller property. Overcrowding. Well, we have all accepted, I think, that the planning system is not the appropriate place and cannot be the appropriate place to regulate overcrowding. I do not see that anything in Deputy Coles' proposition mitigates against that. The fact of how many people will live in a property is not something we can control. People's circumstances change. A one-bedroom one-person flat might become home to a couple. We cannot control that. We simply control the fact that the amount of space should be reasonable for what we have said that property should be. I would argue that one-bed one-person flats are a legitimate form of accommodation for which there is a proven need. This is particularly the case given that the largest form of household in the Island is people living on their own, and they are often living in under-occupied accommodation. The census made it very clear that we have a large surplus of people living in accommodation with more than 2 spare bedrooms, which is the definition of under occupation. Providing smaller homes for those people to be able to move into smaller accommodation works in both senses. It frees up those homes, those bigger homes, and it also creates decent accommodation to a higher standard than previously available in the smaller flat market. Providing this form of accommodation can help better match household needs, both for existing Islanders and those potentially who want to return to the Island. It is clearly recognised as a mainstream form of accommodation that is provided elsewhere, for example in London and the rest of the U.K. I want to make very clear, the revised standards are not deficient. They deliver an improved quality of accommodation that are comparable or better than the minimum standards in the U.K., and at least equal to, in the case of one and 2-bedrooms, the London standard. They are not rabbit hutches. To increase space standards for all but one and 2-bedroom homes by 10 per cent would, in all cases, set Jersey's minimum standards above those regarded as both minimum standards in the U.K. and best practice standards in London. The other point I would make, finally, is that these standards have been consulted on. There have been changes made, not least in relation to comments made by Deputy Coles, as I have said. I have sought to strike a balance between generous space standards, on the one hand, more generous than we have ever had before in this Island. And they are generous by any comparative measures and affordability. We need people to build houses, and we need people to be able to afford to buy houses. This is a reasonable set of modernisations of our standards, in line with comparable jurisdictions or in excess of it. They are all increases, not just in absolute numbers but also in the terms of details of storage, outside space and so on. I urge Members to accept that we have struck a reasonable balance between those 2 competing needs and please vote against this proposition and allow us to move forward with new supplementary planning guidance with which the industry can work.

#### **7.1.7 Deputy S.Y. Mézec:**

The Minister for Housing and Communities early on in his remarks used that old cliché, it is like trying to have your cake and eat it, which is a phrase I have always struggled with because the whole

point of having cake is to eat it. The whole point of having a home is for it to be a pleasant place which you can afford to live in and have a decent life. I think that phrase demonstrates a sense of being out of touch with how people will view this debate, where there is a great perception out there in the public about the inappropriate size of flats, particularly in St. Helier. The examples that we can see all around us from some of those flats in Spectrum where the bedrooms do not even have windows, to the ones that have now been produced at the Horizon development, where all 119 one-bedroom apartments fall beneath the minimum standards for a one-bedroom 2-person flat. Yet the ones that are advertised for rent are being advertised at levels which would put a single person in rental stress to rent them, including up to incomes of £60,000 a year.

[17:00]

Of course, what incentive does that provide for those who live in there? It provides them an incentive to live as a couple in there. So living in a home that is, by our own planning rules, too small for them and, in many instances, even under the new supplementary planning guidance rules, will be officially too small for them. What Deputy Coles is proposing with this, which I will remind Members comes in multiple parts ... if you do not like every part of his proposal, there are separate sections which you can vote for. The first part about making the minimum standard for one-bedroom apartments, a one-bedroom 2-person apartment. So abolishing entirely the one-bedroom one-person standard. If you do not like that helpfully part (c) can still be adopted separately to that part to increase the gross internal area for all one and 2-bedroom apartments by 10 per cent, and do something to try to make those homes more pleasant for people living in them. But there is a wider context to this debate - the Minister for the Environment did allude to part of this, and I think the Minister for Housing and Communities did as well - the Minister for the Environment referred to household sizes reducing. I can tell those Ministers that there are people my age in my social circle who are deliberately choosing not to have children because they do not think they can afford to find a place that will accommodate them properly. There are people we know who are looking to leave Jersey entirely because they know on the incomes they are on, they will find something much better elsewhere in another part of the world. The statistics, of course, bear that out, where we saw from Statistics Jersey at the end of last week, their reports about locally-qualified people, almost 2,000 of whom net exit from the Island in the last 2 years. Those trends spell terminal decline for Jersey, if that carries on. If the message that we send to people in Jersey in their 20s, and perhaps early 30s, that the future they have to look forward to in Jersey is they will have to over occupy a one-bedroom one-person apartment just to be able to afford the rent and not be in rental stress. Good luck saving for your deposit while you are doing that, by the way. Or you can choose to leave the Island, take your skills with you, go serve another economy and get a better standard of living elsewhere. Well, it is not going to be a difficult choice for some people economically. It may well be a very difficult emotional choice, but certainly it will not be a difficult economic choice. What Deputy Coles is trying to do with this proposition is to try to set a new standard for what people can expect in Jersey. I think Deputy Coles was absolutely right in the early part of his speech to point out the comments about the comparisons with minimum and best practice guidance in London, which he was castigated for, for having higher aspirations than that. I think we should be having higher aspirations and wanting to tell people that Jersey is a nicer place to live than other places, and we guarantee that by making sure that if you want permission to build homes, that they have got to be of an adequate space standard so you can have a comfortable living in there. I do not think that is asking for much to say to people that if you are either renting or buying a home in Jersey, that it ought to be pleasant to live in. That requires us increasing space standards from where they have been in the past. What this proposition does not do is it does not see the demolition of all the homes which currently exist that fall beneath these minimum standards, either the ones Deputy Coles is proposing or the new supplementary planning guidance. All of those older apartments, some of the bedsits that still exist, will continue to exist. But by providing a greater supply of more spacious one and 2-bedroom apartments, you will be targeting that part of the market, hopefully satisfying more of the demand that there is for it there, and having hopefully some impact

on the rising costs that those types of homes have seen in recent years by pumping more supply into them. Hopefully you will end up with a better rationalisation of where households choose to live in Jersey, where those single people on perhaps marginally lower incomes can afford to comfortably live in a one-bedroom one-person apartment. Those who are looking to downsize know that for the amount of money that they will get by cashing in on their family home when they sell it, they can use that to buy somewhere that they can have a comfortable retirement in, not feel too cramped, and perhaps have some space for the kids to come visit, or perhaps even a carer in the future. With a greater supply of those that will become a greater option. More people will feel happy to want to downsize, and then that frees up their family homes, the 3 and 4-bedroom homes, for people to then move up into, and there will be a greater supply there as well. By doing that, the hope is that you get that better rationalisation and households being able to transition into homes that are most appropriate for their household size, and make it clear to the development industry what kind of quality of life we expect from some of those new apartments that are going to be built. I, for one, struggle ... frankly, I cannot stomach it when I see new one-bedroom one-person apartments coming on to the market, being bought up by investors instantly, and being advertised for rent at £1,500 a month, which I have seen, with no parking, open plan, single aspect. So most of the day you do not even get sunlight pointing in those windows, asking £1,500 a month rent for it. It is no wonder that some young people are looking to leave Jersey if that is what we are offering them and even if they will financially put up with it, even though it will put them in rental stress; the quality of life they will have will be pretty measly to live in somewhere so tiny. I congratulate Deputy Coles on having aspiration here for trying to do something to improve the quality of life for people who live in those apartments in town, and I hope Members will support it.

#### **7.1.8 Deputy K.L. Moore:**

I had not intended to speak but given the eloquent words of Deputy Mézec, as ever, I thought it was important just to follow up with a reminder of the facts. They were set out extremely well and also eloquently by the Minister prior to the Deputy's speech. But I think it is really important to acknowledge and remind Members that the Council of Ministers, too, is greatly concerned about the quality of life. That is exactly why the Minister has introduced new spatial supplementary planning guidance in increasing spatial sizes. That is for the very reason of improving the quality of life of Islanders. However, what we also have to do is bring balance to the equation so that properties will be built because we are fully aware as an organisation that itself tries to build property, that size comes at cost. Therefore, in an imperfect world, in which we are, it is important to be able to set standards that are achievable because, as is often quoted in this Assembly, the enemy of the good is the perfect plan, which would end up, as has been pointed out by other speakers, with people deciding not to undertake projects and build much-needed homes in the Island. We have, as a Government, as everybody is well aware, 3 areas of relentless focus and that is cost of living, housing and recruitment and retention. It is by bringing a balanced approach to all of those that we can achieve a difference, because if we continually impose greater restrictions on anyone who might wish to build and deliver homes for Islanders, then we will simply be preventing anything from happening. A state of stasis. Much like as we saw after the bridging Island Plan debate, when those who did not support the rezoning of land in the countryside areas then decided after the elections that town was full too, so it was not available for building in their eyes. We have to be pragmatic in order to move forward. I thought it was important or helpful to quote from the planning inspector's report on a recent development that he considered a new development of a considerable cost, and it referred to our space standards and I think gave a really helpful run through of his professional opinion on those space standards and how the developer had approached it. He says, in his professional opinion: "Many are oversized in terms of the space standards. They have private balconies for sitting out and, being on the lower levels, have pleasant outlooks and easy access to the external courtyard area." He continues: "This would not, in my assessment, render the apartments unacceptable in terms of living condition or preclude healthy living within them". I think that is a useful quote to consider, to hear

through the eyes of a professional person, that living standards are, of course, of utmost consideration to those developers as they prepare their work and put forward proposals to provide housing - much needed housing - and homes for Islanders. We all want to see an improved quality of life that is at the core of our policy development, and it is a stated aim in our policy highlights. I ask Members to reject this proposition and to support the Minister in his work, which delivers a balance and achieves our hope and aspiration of increasing the number of affordable and quality homes for Islanders to enjoy.

#### **7.1.9 Deputy L.V. Feltham of St. Helier Central:**

Just like the last speaker, I was not intending to speak, but the speaker's words have made me rise to my feet because she talked about the potential of projects not going forward. Now, as any project manager knows, one of the most important things that you do need to do before you commence a project is to understand the requirements of that project. My fear is potentially the previous speaker, the Chief Minister, is thinking that the main requirements of a project should be profit and not the requirements of our community. I ask Members to think about the requirements of the people that they know, their own families, perhaps they have young children, perhaps they have grandchildren, perhaps they have ageing parents who may well want to be living in a smaller property, perhaps they have teenagers, young adults who are looking to move into their first property. I think Deputy Curtis made some good points about how long we want people to be able to remain in a property. To go back to requirements; if we think about requirements of the types of projects that we need, we need our building projects to be sustainable into the future. We need building projects of new accommodation to be the type of accommodation that can attract and retain people in the Island. The type of accommodation that our children, our grandchildren and our parents can live and remain in. So looking at this particular proposition, parts (a) and (b), Deputy Coles is not seeking to make a new standard. Deputy Coles is saying that to meet the requirements of our population better, we are much better encouraging more one-bedroom 2-person apartments than one-bedroom one-person apartments. That enables somebody who may be single or living on their own at this point in time, or at the point of the census or any point that Statistics Jersey may survey them, to meet someone that they might want to move in with and live with, and continue living in that place as 2 people. Without that, what we are saying is we think you should be living in inadequate accommodation. With regard to part (b) that, again, is removing 2-bedroom 3-person occupancy, making that 2-bedroom 4-person occupancy.

[17:15]

Having lived an apartment life myself in a 2-bedroom apartment in town, I dare say it probably would be a 2-bedroom 4-person apartment. I can say even at that size, for myself, my husband and my daughter it was okay when she was little but as she grew older, what was adequate for us when she was very small became less adequate. Again, what I see in town and as a town representative, is many of my constituents as families living in apartments, because that is what they can afford. This is people not just with one child but with 2 children as well, potentially living in apartments that are 2-bedroom 3-person apartments. Now, what is going to happen is as those children grow older, they become teenagers, they cannot afford to move out themselves. So if you are sat comfortably in your family home with a growing family and you are worried about your children may have to live under the same roof as you for a bit longer but you have your nice, comfortable house and garden, just think about what that might feel to a couple with 2 children living in a 2-bedroom 3-person apartment. The numbers of those people are growing because people just cannot afford to buy the houses that you might live in. Again, to that point, Deputy Coles talked about encouraging downsizing. Many of the older people that I speak to who are comfortably living in their accommodation, in their houses, are saying to me: "Well, why on earth would I want to sell my 3-bedroom house and move into one of those pokey apartments?" I understand where Deputy Ward was coming from earlier, when she referred to the previous standard for Jersey. I recall my gran lived for all of her life that I can

remember in Hue Court in what would be considered now probably a 2 ... I can see Deputy Ward saying a 4-person apartment, but people lived there for decades. Their needs changed and those apartments continued to suit their needs. I wanted to also address some comments made by the Minister for Housing and Communities, Deputy Warr, when he spoke and said that by approving this proposition, we might put at risk using modern methods of construction. Yet again, I would like to point out that parts (a) and (b) of this particular proposition are not creating new standards so that argument is dead in the water there. Again, talking about having your cake and eating it, in many of these apartments, while the sizes remain small, you probably do not have space to make the type of cake that you might want to. I think some Ministers that have spoken today need to get more in touch with reality, speak to constituents. I hope that everybody within the Assembly gets fully behind this proposition because this is about building and having projects which fully understand the requirements of our community, not starting projects that are the wrong projects. Again, to refer back to the Chief Minister's comments, she said that she was afraid that projects would not get started. Now, if a project is the wrong project for our community it should not be started and it is our job to be setting the standards. The question that Deputy Coles is asking with this proposition is: what standards do you want to set for our community? I urge you to support this proposition.

#### **7.1.10 Deputy P.F.C. Ozouf of St. Saviour:**

I fully accept that regulations for minimum standards, sensibly made, can promote all the things that the advancer of this proposition and other Members have said. Meeting minimum standards sounds fine. But there are 3 points I would ask Members to consider in their vote. The first important point that the Minister has made incredibly powerfully is the biggest demand for homes are for single people. I will repeat it, I do not know whether Members have listened: the biggest demand is for single people. I ask Members, is this proposition going to send the message out to those people that are the investors, the developers, the architects and the builders that they are going to go and build more of those units as a result of a Government, because the States Assembly is being a Government here today because the Minister is going to have to do something with this. He is going to have to issue a guidance, a S.P.G., which means that those plans that are already in the Planning Department because somebody has the confidence to build something, have to change those plans because they will not be able to be approved. We are changing the rules when they have already been set. There is an issue about stability and certainty. Here we are where Deputy Coles is telling the Minister, after due consultation that he has made, that the rules are going to change again. I ask Members if they are satisfied with a States Assembly and their role as a Government today telling a Government Minister what to do, that they are changing the goalposts again? Is this going to result in more people going to start building? The answer is no. If they are going to build, they are going to cost more money. Now, I do not wish to personalise this but I have been having to think about downsizing because I want to continue to be able to be a zero cost to taxpayers when I am in London. I have been looking around at one-bedroom flats. I pricked my ears up when Deputy Coles said in Upton Park. So I have been looking at lots of flats in London at the moment and I must say that the minimum standards that he advances in Upton Park - and I have not seen that particular development but I know it, I have looked it up on his website and know which one he is looking at - as a single person, I am very happy with the minimum standards because I am a single person now, unfortunately, and for me, like many other single people, I want something quite small. I want something that is easy for me to go in and go out and live in. Because I do live because I work. So all these hidden households that Members are talking about, these hidden households, overcrowding ... no Member has said anything so far in this debate about what are we going to do to promote more houses being built. There is not any other solution apart from coming to the reality. The Minister for Sustainable Economic Development in his *Future Economy* paper has shown there is an existential problem coming to Jersey unless we look at the facts concerning our population. We need more people to be attracted to come to Jersey. Deputy Mézec would love it to be this lovely place that has these nice big, big apartments. But where are they to buy? He speaks in acerbic terms about the cost. Rents

are what they are because of supply and demand, because there is not enough supply. There is no supply. What has this Assembly done in the last 12 months? What has the Planning Committee done in terms of its decisions of passing, encouraging, giving confidence to developers to build, to invest, to take risks? We need building. We need apartments. The thing we need most of is single person apartments for the workers that we need to come and work in our social care services, in our private sector services. I ask Members, do they not realise that the housing market that was regarded as a crisis when we came in at the start of this term of office is now in an emergency? Prices are falling. No transactions in one Friday. The Minister for Treasury and Resources must be worried about the stamp duty he is going to get because of the volume of transactions. People are worried about house prices. Confidence is falling. The member of Reform that said the people are leaving Jersey, yes, they are. Do I want a Jersey that is falling in confidence? No, I do not. I want to go out, like I have been in the last 24 hours, talking up Jersey. But how can I talk up Jersey when there are 2,000 of our own people that are leaving? Why are they leaving? Because they are losing confidence, because there is not enough building of housing is one of the reasons, and apartments is part of it. Deputy Mézec may shake his head but it is true. I listened to all of the bridging Island Plan; what a mess. Members did not deliver the supply that they were told by the then Minister for Planning, and now look at the mess. I ask Members to think carefully into their consciences. Are they making any decisions which are going to promote the kind of message to say: "Yes, please, developers, please go and build, please invest, please risk your capital?" In a falling housing market, they are not doing it. The private sector lending market which buys for small developers is closed. They are not buying it. People are not investing in sites to build houses. I do not know whether Members are living in the same world that I am, but it is true. We have an emergency in our housing market. Anything, one thing, a single signal that does anything to do a further uncertainty, increase cost, I say no. Foolish. Nice to have. It is lovely to have a sunny day and this Atlantis that we have been speaking. We have heard from Reform about this lovely Jersey that is going to have low rents and all the rest of it. How is that going to be achieved? It is going to be achieved by sensible decisions, by a sensible Minister for the Environment that has been consulting on regulations, that has now got some stability so that people can rely upon, so they do not have to go back and redo their plans because they are not going to get passed because the standards are going to be changed again. We are going to create a sense of confidence that people will invest. I urge Members to have some common sense and not pass something that is going to increase the cost of the very type of unit that we need the most of.

#### **7.1.11 Deputy T. Binet of St. Saviour:**

I was not going to speak this afternoon but I do find myself on the horns of a dilemma. We have heard quite a lot of emotional stuff this afternoon. I have got a couple of serious points to make but, on a lighter note, it is a shame that Deputy Tadier is not here because he was suggesting ... I wonder if the Deputy would like to come in because he was suggesting that having a very small bathroom was a problem - and I hope this will not be deemed to be an unparliamentary comment - but I can tell him from experience that when you have bad food poisoning, the proximity of the bath to the lavatory is actually extremely useful. Moving to more serious points. Forgive me. We had an eloquent speech from Deputy Ozouf, but I think we need to be careful about the examples we use because, as a lot of people will know, Deputy Ozouf is referring to his second or business home and he does live in a very pleasant property out in the countryside, as indeed do I, I have to say. I would also say that the Minister for Planning is not being instructed to do anything. As I read the proposition, it suggests to review and consider. I think those are important points. Moving on, I am not sure if I have taken all of this on board correctly, but Deputy Coles suggested £150,000 profit for the developer, 30 per cent, and I would be interested in his summing up to know where he gets those figures from in the current market. It is a shame that the Minister for Housing and Communities cannot respond as well because I could not quite work out the correlation between the increase in price, the 10 per cent required and the reference to modern methods of construction. I am not quite sure if that was not a bit of a red herring. I have to say I am on the horns of a dilemma and I hope that if people reject this

proposition it will not be because they are deemed to not want decent standards for people, because I think everybody in here does. There is a real dilemma in terms of how that is paid for and unintended consequences. That does worry me considerably. If I do reject this proposal, it is not because I do not care, it is because I am worried about the effects of what happens in the event that we do raise prices. I would ask that if the proposition is accepted that perhaps the Minister for Planning would come back with some firm details, independent details, as to what the price increase would actually mean in real terms. In a further debate that would help to inform us as to what those effects might be.

[17:30]

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

Thank you, Deputy. It is now 5.30 and in accordance with Standing Order 47, I am in the hands of the Assembly as to whether you wish to continue this debate until its conclusion. The adjournment has been proposed. Is that seconded?

**Deputy P.F.C. Ozouf:**

Is it worth testing whether or not we are almost finished, if anybody else wants to speak?

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

If I could ask then those Members who would like to speak in this debate to indicate now with their microphones? Nobody else wishes to speak.

**Deputy P.F.C. Ozouf:**

I propose that we do not adjourn until we just wrap it up.

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

Deputy Morel, did you want to speak, sorry?

**Deputy S.G. Luce:**

Under those circumstances, I am happy to withdraw, I am just aware that some of us have got a Rates Assembly to get to this evening.

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

Well, if we have just one more Member wishing to speak before Deputy Coles sums up, we may well get to that reasonably quickly. If Members are content to continue, then? Most people nodding.

**7.1.12 Deputy K.F. Morel of St. John, St. Lawrence and Trinity:**

I will just open my 15-minute speech. [Laughter]

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

Ring the bell.

**Deputy K.F. Morel:**

No, it was just to say, very quickly, my take on this, and this is the kind of conclusion I have come to over the past few years, is that in chasing perfection Jersey is grinding itself to a halt. I do fear that this is exactly that proposition. As Deputy Binet said, none of us want people living in poor conditions but that is one reason why the rent licensing just passed. As far as minimum size standards are concerned, I think that by putting greater conditions on the development of properties, we are going to see fewer properties developed. Those properties will be more expensive and, as a result, there will be less of a housing supply for Islanders. That will continue to drive the cost of living up. If that is what States Members want, then so be it. But I think the consequences of that taking place are very worrying. I heard Deputy Ozouf speak about people leaving the Island, and that is correct.



I do believe cost of living is probably the main reason why people are leaving the Island. So I personally would warn off States Members from this proposition for fear that, as I said, in chasing perfection we will do great damage or more damage to the economy of this Island.

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

If no other Member wishes to speak, the debate is closed and I call upon Deputy Coles to respond.

**7.1.13 Deputy T.A. Coles:**

I will try to be brief because it has been a long day. Apologies, I had considered baking a cake to bring to help everybody's energy go along but unfortunately I ran out of time last night. I will address first Deputy Binet's questions about where I got my costs from. I had sent an email around to all Members. These are just speculative figures because obviously, as we know, with the commercial and sensitive nature of certain developments it is very difficult to get a full feel of what prices could do. I did over-extrapolate the cost per square metre from the £2,000 max that I had heard anecdotally to a ridiculous amount of £4,000 per square metre in that table. You can still see how it falls below what the asking price of a one and 2-bedroom apartment is. Unfortunately, it is hard to get confirmed data even through S.o.J.D.C.'s (States of Jersey Development Company) annual reports and Dandara's annual reports. I did scour all of these but, of course, commercially sensitive information is very hard to come by. I would like to welcome Deputy Ozouf back to the arena because I have missed him. He is a very energetic character who brings some very good points to the debate and he does it with such passion that it is hard to keep a smile from my face when he is making his points. It is interesting that he makes the point that the apartment in London, in the development that I was apparently looking at, he thought was small. I mentioned in my opening speech that it was 60 square metres, which is bigger than what you get for the same money over here. If you think 60 square metres is small ... well, sorry, it is not great in comparison. He also makes the point about the census saying ... and we hear this because obviously it was an argument used against the empty property taxes. The census is a snapshot in time, it only provides information at that single point and it does; very much so it does. At this time that is what is needed. As I mentioned in my opening speech, that if that changes and we need properties that are bigger, where are we going to build them? If we build all our sites already developing the stuff that is already developed, the stuff that already has plans to develop, stuff that has already commenced development are all falling below these current minimum standards that the Minister has brought forward. We are not preparing for the future if this changes. It was mentioned on BBC Radio Jersey. One caller phoned in and was saying he does not understand why we are building one-bedroom flats at all. Where is the future proofing in just building one-bedroom flats? Now, I agree at this moment that is not the right decision to make because we do have to consider a housing mix. Which brings me to a point that the Minister for Housing and Communities made, because he mentioned policy H4. As Deputy Curtis mentioned, there is no guidance given to planners, the Planning Committee or the inspector about what constitutes a good housing mix. We have to use our own assumption. Now, if we have a developer that comes to us with a 50/50 blend of one and 2-bedroom apartments, how can we knock that back, because that is a good mix of a certain housing type that is absolutely needed. But with the Minister for the Environment's first iteration of this guidance suggesting the 5 per cent of the smallest, again, I said I could live with that, that felt reasonable. Unfortunately, the Minister removed the most reasonable part of the minimum standards that I felt, which is why then if he was not going to stick with 5 per cent I felt that we need just to remove that really small category. I am also really concerned because our Minister for Housing and Communities has now twice suggested that we need to build smaller homes. He was quoted on ITV early last year, and he has also said in the Assembly today, that homes need to be smaller. Is he suggesting that maybe the Minister is going to revise this guidance and bring them down or that we should only build to the minimum? I mean, that is quite difficult. The Minister for Housing and Communities also mentioned or questioned my reasoning for bringing this proposition now. Well, I can tell you the reason I am bringing it now and today is because I lodged

it on the day that the Minister's guidelines were published, because that is the soonest that I could have done it without interfering with this process. I waited for the result of the consultation to come back and gave my feedback into that consultation. My first recommendation was to remove the one-bedroom one-person and 2-bedroom 3-person apartments. That was my number one recommendation because we have built enough of them. That is my key focus on this. My request for all Members is if you do not want to support part (c) because it might put things too high, absolutely your choice. It is entirely up to you and your own decisions but I strongly believe that we should be voting to remove the one-bedroom one-person build as a priority. We have enough. We have done enough. The talk of overcrowding, the 4-point-something per cent that was mentioned of overcrowding. Now, the census also admits ... I am trying to remember, I will not quote the points but the census said that it does not know the size of the apartments that it is using. The census has no information to say that this 4 per cent number is accurate, because they have no design restrictions to say that this apartment that we have delivered the census form to was designed for one person or 2 persons. All we know it is a one-bedroom apartment. So we cannot use that figure, it is not accurate. The word "substandard" has been thrown around quite a lot. I have not said that these are substandard. The result of the storm that we have just had have proved the build quality of these homes is top notch, it is first rate. The emphasis to go to more reusable products and to be more environmentally efficient, they are being driven forward. These are not substandard, they are just small. Is it the size that we want to live in? Is it the size that we want to allow people to live in? I wrote down "commuter area" in my notes because we talk about other jurisdictions and other areas, living in the U.K., living in London, working in London, you have the benefit that some people get to have a property or rent a property to go to work in the week, they then travel back out to the country to enjoy the countryside. We do not have that luxury in Jersey. We do not have that option. The homes that we are building are people's homes and are going to be built for ever. We do not want to build on green space. None of us in here want to build on green space so we are going to have to build more apartments and we need to make these apartments have the feel of a home, but a home on one floor rather than a home over 2 floors. There are a lot of people on our Island that do enjoy apartment living. There is a lot of security about apartment living. I think now with the storm that went by that if my roof had got taken off ... I share that roof with 28 other flats in my development that I live so the cost of repairing the roof is spread by 28 people. So that is good, that is security, that is not something that I have to focus on my own. But there are people out there who are now having to face the cost of repairing the roof themselves. This is my point around right-sizing. If you build an apartment that is the right size for somebody who is slightly older, someone whose family has moved on and they have decided that they want a little bit of security, want to enjoy their money for themselves without having the extra worry, they need to have a home that they can live in. But if you are a parent in this room or you have family that lives in a different area that might want to travel and you want to provide them a room to stay in, it is not inappropriate or greedy to ask for space for them to be comfortable when they come to stay. You also have to bear in mind that you live in that home for your time and you might use it for a bit of storage, you might use it for this and that and the other but while it is only designed for one person to be in that is going to cause a big inconvenience. Yes, the storage spaces in these places are increasing, and that is great, but some people are well-travelled, some people have great worldly possessions and in small places, like the lack of parking spaces, they will not get to keep them. We are designing properties that are so small it is preventing people who find themselves residents of St. Helier from being capable of owning things. Everybody has possessions, you all have possessions. How would you feel if you had to leave where you live now and you had to move in somewhere that was smaller and that you could no longer keep your possessions, because that is another aspect of this. The Minister said in his speech that this proposition seeks to increase the size of all homes. No, it does not. Part (c) simply says one and 2-bedroom apartments and that is all I am looking to increase; one and 2-bedroom apartments. Then when we talk about the scale compared to London, the best practice in London is still bigger than Jersey's the one-bedroom 2-person if we do not take part (c). We can get rid of the one-bedroom

one-person but then our size still is not meeting best practice in London. If you really feel that, I mean the Minister is shaking his head and I will read from his table that he provided in his comments paper that: “A one-bedroom 2-person occupancy Jersey 52, U.K./London min 50, London best practice 55.” By adopting part (a) then we still do not have apartments that are better than London best practice. That would only be if we accept part (c) as well as part (a). Again, this is where I would like Members to please vote for part (a) as the priority of this debate. I appreciate that part (b) you may feel different ways, you may feel it is adequate but I feel that we are aiming for a problem of overcrowding and so, therefore, if you feel that you would like to help present that by making the minimum standard (b) for 4 people, that would be great. Because I cannot order the Minister to do anything out of this proposition, it is not the way the S.P.G. works and it is a request for a review. A review and a consultation has been carried out, absolutely. But this is where we have to remember, as Deputy Ozouf mentioned earlier, that we are Government, we are the people who make decisions. We are the decision-makers. If we, as a group, decide that we would like the Minister to review this particular aspect that I have highlighted, then he can say: “We have done the consultation but the Assembly has said no, they do not like this bit, so all I have to do with part (a) is delete a line in a table because that is how easy that gets rid of, part (b) delete another line in a table.” It is only with part (c) do you have to start playing with the numbers in the table. It is fairly simple, fairly straightforward. We talk about time and how rules change. It was not a problem when the Government introduced rules on maximum sizes and when that maximum size came in there was a deadline, it occurred. We had a property come before us in Planning because the rules changed before a decision was made and now this property did not coincide with the rules. It was clear that the Minister was considering these guidelines for a long time. It has been clear that the Minister was bringing the S.P.G. I am going to try and remember what data ... I have lost my proposition, which is written on top of there, please bear with me. Yes, I lodged this on 25th October.

[17:45]

Developers will have known that there is potential for more change coming. If they were aware of these things they have been informed. Nobody can say this has been snuck up on them out of nowhere. I am realising the time and I did say I was not going to keep Members for too, too long. Ma’am, I would call for the appel and I would like to take this in parts.

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

Thank you. The appel has been called for. Members will be voting in the first instance on paragraph (a). If all Members could now return to their seats and I ask the Greffier to open the voting. If all Members have had an opportunity to cast their votes, I ask the Greffier to close the voting. I can announce that the proposition has been carried: there were 22 votes in favour, 20 votes contre and 4 abstentions. **[Approbation]**

<b>POUR: 22</b>		<b>CONTRE: 20</b>		<b>ABSTAIN: 4</b>
Connétable of St. Brelade		Deputy L.M.C. Doublet		Connétable of Trinity
Connétable of St. Martin		Deputy K.F. Morel		Connétable of St. Clement
Connétable of St. John		Deputy M.R. Le Hegarat		Deputy S.G. Luce
Connétable of Grouville		Deputy S.M. Ahier		Deputy A.F. Curtis
Connétable of St. Ouen		Deputy I. Gardiner		
Connétable of St. Mary		Deputy I.J. Gorst		
Connétable of St. Saviour		Deputy L.J Farnham		
Deputy G.P. Southern		Deputy K.L. Moore		
Deputy C.F. Labey		Deputy P.F.C. Ozouf		
Deputy M. Tadier		Deputy P.M. Bailhache		

Deputy R.J. Ward		Deputy D.J. Warr		
Deputy C.S. Alves		Deputy H.M. Miles		
Deputy S.Y. Mézec		Deputy J. Renouf		
Deputy T.A. Coles		Deputy H.L. Jeune		
Deputy B.B.S.V.M. Porée		Deputy M.E. Millar		
Deputy M.R. Scott		Deputy T.J.A. Binet		
Deputy C.D. Curtis		Deputy M.R. Ferey		
Deputy L.V. Feltham		Deputy K.M. Wilson		
Deputy R.E. Binet		Deputy L.K.F Stephenson		
Deputy A. Howell		Deputy M.B. Andrews		
Deputy R.S. Kovacs				
Deputy B. Ward				

**The Deputy Greffier of the States:**

Those Members who abstained: the Connétable of Trinity, the Connétable of St. Clement, Deputy Luce and Deputy Alex Curtis.

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

I will allow the Greffier time to read ... sorry, you want those voting pour and contre.

**The Deputy Greffier of the States:**

Those Members voting pour: the Connétables of St. Brelade, St. Martin, St. John, Grouville, St. Ouen, St. Mary and St. Saviour, Deputies Southern, Labey, Tadier, Rob Ward, Alves, Mézec, Coles, Porée, Scott, Feltham, Rose Binet, Howell, Kovacs, Barbara Ward and Catherine Curtis. Those Members voting contre: Deputies Doublet, Morel, Le Hegarat, Ahier, Gardiner, Gorst, Farnham, Moore, Ozouf, Bailhache, Warr, Miles, Renouf, Jeune, Millar, Tom Binet, Ferey, Wilson, Stephenson and Andrews.

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

I will now allow some seconds for the Greffier to reset the system. If Members wish to vote, this is on paragraph (b). Greffier, if you would open the voting. If all Members have now cast their votes, I ask the Greffier to close the voting. I can announce that paragraph (b) has been lost: there was 17 votes in favour, 24 votes contre and 5 abstentions.

<b>POUR: 17</b>		<b>CONTRE: 24</b>		<b>ABSTAIN: 5</b>
Connétable of Grouville		Connétable of St. Brelade		Connétable of Trinity
Connétable of St. Ouen		Connétable of St. Martin		Connétable of St. Clement
Connétable of St. Saviour		Connétable of St. John		Connétable of St. Mary
Deputy G.P. Southern		Deputy L.M.C. Doublet		Deputy S.G. Luce
Deputy C.F. Labey		Deputy K.F. Morel		Deputy A.F. Curtis
Deputy M. Tadier		Deputy M.R. Le Hegarat		
Deputy R.J. Ward		Deputy S.M. Ahier		
Deputy C.S. Alves		Deputy I. Gardiner		
Deputy S.Y. Mézec		Deputy I.J. Gorst		
Deputy T.A. Coles		Deputy L.J Farnham		
Deputy B.B.S.V.M. Porée		Deputy K.L. Moore		

Deputy C.D. Curtis		Deputy P.F.C. Ozouf		
Deputy L.V. Feltham		Deputy P.M. Bailhache		
Deputy R.E. Binet		Deputy D.J. Warr		
Deputy A. Howell		Deputy H.M. Miles		
Deputy R.S. Kovacs		Deputy M.R. Scott		
Deputy B. Ward		Deputy J. Renouf		
		Deputy H.L. Jeune		
		Deputy M.E. Millar		
		Deputy T.J.A. Binet		
		Deputy M.R. Ferey		
		Deputy K.M. Wilson		
		Deputy L.K.F Stephenson		
		Deputy M.B. Andrews		

If we can move on then to paragraph (c) and I ask the Greffier to open the voting. If all Members have now voted, I will ask the Greffier to close the voting. I can announce that paragraph (c) has also been lost: there were 13 votes pour, 27 votes contre and 6 abstentions.

<b>POUR: 13</b>		<b>CONTRE: 27</b>		<b>ABSTAIN: 5</b>
Connétable of St. Ouen		Connétable of St. Brelade		Connétable of Trinity
Connétable of St. Saviour		Connétable of St. Martin		Connétable of St. Clement
Deputy G.P. Southern		Connétable of St. John		Connétable of St. Mary
Deputy M. Tadier		Connétable of Grouville		Deputy S.G. Luce
Deputy R.J. Ward		Deputy C.F. Labey		Deputy M.R. Scott
Deputy C.S. Alves		Deputy L.M.C. Doublet		Deputy A.F. Curtis
Deputy S.Y. Mézec		Deputy K.F. Morel		
Deputy T.A. Coles		Deputy M.R. Le Hegarat		
Deputy B.B.S.V.M. Porée		Deputy S.M. Ahier		
Deputy C.D. Curtis		Deputy I. Gardiner		
Deputy L.V. Feltham		Deputy I.J. Gorst		
Deputy R.S. Kovacs		Deputy L.J Farnham		
Deputy B. Ward		Deputy K.L. Moore		
		Deputy P.F.C. Ozouf		
		Deputy P.M. Bailhache		
		Deputy D.J. Warr		
		Deputy H.M. Miles		
		Deputy J. Renouf		
		Deputy R.E. Binet		
		Deputy H.L. Jeune		
		Deputy M.E. Millar		
		Deputy A. Howell		
		Deputy T.J.A. Binet		
		Deputy M.R. Ferey		
		Deputy K.M. Wilson		

		Deputy L.K.F Stephenson		
		Deputy M.B. Andrews		

That concludes public business for this meeting and I invite the chair of P.P.C. to propose the arrangement of public business for future meetings.

**ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS**

**10. The Connétable of St. Martin (Chair, Privileges and Procedures Committee):**

Our next sitting is scheduled for Tuesday, 12th December but as we all know the next sitting will be a long sitting, as we will be debating the Government Plan. So far there are 33 amendments to debate and this is not the final number. I would, therefore, like to propose that we move the start time to Monday morning, 11th December at 9.30 a.m. I would also like to propose that we are prepared to be able to stay, if needed, until 6.00 p.m. each day to enable us to get through the workload. Ma'am, I make the proposition for the States to sit at 9.30 a.m. on Monday, 11th December.

**10.1 Deputy K.L. Moore:**

I have been asked at this stage if Members would be kind enough to accept the P.96 to be debated on that day and I have also had a request for that proposition to be debated at the beginning of the week to enable a Member, who has to be out of the Island for compassionate reasons.

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

That is the proposition for the appointment of the new Children's Commissioner. Is that proposition seconded? **[Seconded]** Would Members kindly show if they are in favour? Those against? I think then P.96 will be listed for 11th December now meeting. Does any Member want to speak on the proposition made by the chair of P.P.C. to start early on Monday, the 11th at 9.30 a.m.? Is that proposition seconded? **[Seconded]** Would Members kindly show if they are in favour? Those against? Very well. In which case then the Assembly stands adjourned until 9.30 a.m. on 11th December.

**ADJOURNMENT**

[17:52]